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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

DURHAM, NC

WHEN: March 20, at 9:30 a.m.
WHERE: Duke University,
Von Cannon Hall, Bryan Center,
Durham, NC.
RESERVATIONS: 919–684–3030.

SALT LAKE CITY, UT

WHEN: March 29, at 9:00 a.m.
WHERE: State Office Building Auditorium,
Capitol Hill,
Salt Lake City, UT.
RESERVATIONS: Call the Utah Department of
Administrative Services, 801–538–3010.

WASHINGTON, DC

WHEN: March 29, at 9:00 a.m.
WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.
RESERVATIONS: 202–523–5240.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 707]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 707 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 330,380 cartons during the period from March 4, 1990, through March 10, 1990. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: Regulation 707 (7 CFR part 910) is effective for the period from March 4, 1990, through March 10, 1990.

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 475-3861.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 85 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2,500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the California-Arizona lemon marketing policy for 1989-90. The Committee met publicly on February 27, 1990, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specific week. The Committee reports that overall demand for lemons is steady.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Lemons, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.707 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.707 Lemon Regulation 707.

The quantity of lemons grown in California and Arizona which may be handled during the period from March 4, 1990, through March 10, 1990, is established at 330,380 cartons.

Dated: February 28, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-4937 Filed 3-1-90; 8:45 am]
BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1945 and 1980

Final Implementation of Farmer Program Loan Provisions of the Disaster Assistance Act of 1989

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) adopts its interim rule published November 22,

1989 (54 FR 48227–48230), as a final rule without change. This action amends FmHA regulations by authorizing special disaster assistance to eligible farmers and ranchers who sustained severe production losses to their 1988 or 1989 crop(s) as a result of natural disasters. This action is necessary to finalize the interim rule, which implemented the provisions of the Disaster Assistance Act of 1989 (Public Law 101–82 (dated August 14, 1989), that was incorporated into existing FmHA regulations.

DATES: Final rule effective March 2, 1990.

FOR FURTHER INFORMATION CONTACT: Mark Falcone, Senior Loan Officer, Farmer Programs Loan Making Division, Farmers Home Administration, USDA, South Building, 14th Street and Independence Avenue SW., Washington, DC 20250, telephone (202) 475–4019.

SUPPLEMENTARY INFORMATION:

Classification

This action was reviewed under USDA procedures established in Department Regulation 1512–1, which implements Executive Order 12291, and has been determined to be nonmajor because it will not result in an annual effect on the economy of $100 million or more.

Intergovernmental Consultation

For the reasons set forth in the final rule related to Notice, 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940–J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983), Emergency Loans and Farm Operating Loans are excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Programs Affected

These changes affect the following FmHA programs as listed in the Catalog of Federal Domestic Assistance:

10.404—Emergency Loans.
10.406—Farm Operating Loans.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Discussion of Final Rule

On November 22, 1989, FmHA published an interim rule amending 7 CFR parts 1945–D and 1980–B in the **Federal Register** (54 FR 48227–48330) with a comment period ending December 22, 1989. The "Disaster Assistance Act of 1989," (Pub. L. 101–82), dated August 14, 1989, amended FmHA's statutory loan making authorities. It was necessary to implement these authorities upon publication to provide immediate assistance to farmers and ranchers who had suffered major crop production losses as a result of natural disasters in 1988 or 1989.

The Act mandates changes in the emergency loan regulations and the guaranteed operating loan regulations. These changes ease the requirements for obtaining assistance under these programs, as did previous changes made as a result of the Disaster Assistance Act of 1988. These changes are fully addressed in the interim rule. These regulations will provide assistance to many needy farmers and ranchers who, without this assistance, are or will be in danger of losing their operations.

Discussion of Comments

One comment letter was received, that being from an FmHA County Supervisor representing the National Association of County Supervisors (NACS). The letter stated the NACS' belief that FmHA should require crop insurance, except when it is not economically feasible or available. The County Supervisor commented that FmHA policy should be consistent. Since the statute waives the crop insurance requirement for eligible applicants who suffered severe crop production losses due to natural disasters in 1988 and/or 1989, the Agency has no choice but to comply with the statute.

List of Subjects

7 CFR Part 1945

Agriculture, Disaster assistance.

7 CFR Part 1980

Agriculture, Loan programs-agriculture.

Therefore, FmHA adopts its interim rule, dated November 22, 1989 (54 FR 48227–48230), as a final rule without change.

Dated: February 13, 1990.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 90–4828 Filed 3–1–90; 8:45 am]

BILLING CODE 3410–07–M

Food Safety and Inspection Service

9 CFR Parts 309 and 310

[Docket No. 87–001F]

RIN 0583–AA58

Sulfonamide and Antibiotic Residues in Young Calves; Certification Requirement

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: FSIS is amending the Federal meat inspection regulations by adding specific language requirements to be included on written certifications under the voluntary certification program for young calves. Such language requirements provide consistency among all certifications whereby producers and subsequent custodians of young calves certify that their animals have not been treated with drugs or have been treated with one or more drugs in accordance with label directions approved by the Food and Drug Administration (FDA) and have been withheld from slaughter for the period(s) of time specified by those label directions. The specific language requirements also advise the certifying parties of the consequences of false statements. The rule amends the definition of certified calf by including any subsequent custodians of calves, along with producers, as parties who must provide certifications with respect to the calves. The rule further requires that all prior certifications be attached to the most recent certification when the calf is presented for slaughter. This action is in accord with a recommendation by the Department's Office of the Inspector General to develop a standard form for the certified calf program.

EFFECTIVE DATE: May 31, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. John McCutcheon, Assistant Deputy Administrator, Inspection Management Program, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3697.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this rule is not a "major rule" under Executive Order 12291. This rule would not result in an annual effect on the economy of $100 million or more; or a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Written certificates are currently required of producers who wish to certify their calves under the voluntary certified calf program. This rule: (1) Requires the addition of specific language and the recording of calf identification numbers on certificates, (2) requires that all subsequent custodians of the calf provide a new certificate if the calf is intended to continue to be certified, and (3) requires that all previous certifications be presented to the inspector with the current certification at the time the calf is presented for slaughter. Use of standard language and recording of animal identification numbers on certifications is expected to have a minimal economic impact on producers as the standard language only replaces current language used by producers. However, use of the language which advises of the consequences of false statements may dissuade some producers from certifying their calves. If a producer is unwilling to sign a certification simply because he or she is aware of the penalties for false statements and thus does not want to subject himself or herself to criminal prosecution, FSIS does not consider this as a significant effect on such producers. Calves from such producers would then be tested under the current testing program which is a current option available to all producers. Producers are currently required to supply the calf's identification number verbally if requested; recording such identification number on the certificate should have a negligible impact on producers.

Because this rule requires that not only the producer but all subsequent custodians complete certifications for a calf to continue to be certified, entities such as auction markets, agents, truckers and similar entities will be affected by this rule. It is expected that a substantial number of these entities will be small. These new entities will be required to complete a certification for each calf or group of calves using the standard language, record the identification numbers of the calf(ves) on the certification, and present all previous certifications with the new certification to the inspector at the time the calf(ves) is presented for slaughter. Those entities not dissuaded by the statements on the consequences of false statements would be affected administratively. They would be required to execute a certificate each time they became a custodian of an initially certified calf or calves, would be required to record the animals' identification numbers and would be required to maintain the previous certificates and present all certificates to the next custodian or to the inspector at the time the calf(ves) is presented for slaughter. However, it is expected that such new certifiers would gain additional or continuing business as a result of their participation and may even gain a certain percentage of sales of animals depending on the arrangements made with producers and other certifiers. The effect of this rule on small entities has been determined to be not significant for the reasons discussed above.

Paperwork Requirements

This rule: (1) Requires specific, standard language on certifications, including language on the penalties for false statements, (2) requires subsequent custodians as well as producers of calves to "certify" calves, and (3) requires that any subsequent "certifier," as a result of a change in custody, attach a copy of any previous certification when the certified calf is presented for slaughter. These paperwork and recordkeeping requirements have been approved by the Office of Management and Budget (OMB) as control number 0583–0053.

Background

Because of increasing high concentrations of sulfonamide and antibiotic residues in young calves, FSIS published in the **Federal Register** (49 FR 23602, June 7, 1984) an interim rule, effective June 4, 1984. The interim rule intensified inplant testing procedures for detecting violative concentrations of sulfonamides and antibiotics in calves up to 3 weeks in age or 150 pounds in weight. It provided for a voluntary written certification program that allowed less intensive testing on calves that were certified in writing by the producer as not having been treated with such drugs or, if so, that the prescribed withdrawal period had passed. The interim rule was made final on September 9, 1985, in the August 9, 1985, **Federal Register** (50 FR 32162).

On January 20, 1987, FSIS published an interim rule, which became effective immediately, implementing modified testing procedures to reflect current marketing and calf management practices (52 FR 2101). Under those rules, the written certifications were signed by the producer verifying that the animal was not treated with drugs or, if so, that prescribed withdrawal periods on the drug's label were followed. Any subsequent custodian of such animal, such as an auction market, normally maintained a record of the producer's certification and, if necessary, made the certification available to the establishment which slaughtered the animal or to the inspector at that establishment. In instances where a positive test result occurred, the inspector would know the identity of the producer to conduct followup testing of subsequent animals presented for slaughter by the producer, and to inform FDA of the positive test result.

Certifications; Proposed Rule

In signing certifications, the individual and any entity which the individual represents is subject to section 407 of the Federal Meat Inspection Act (21 U.S.C. 677), which incorporates criminal penalties under 15 U.S.C. 50 for false statements, and to 18 U.S.C. 1001 for making false statements or writings, and to 18 U.S.C. 3571, which contains alternative fines. Criminal penalties are imposed upon an individual or entity only when there is proof of criminal intent to falsify a certification by such individual or entity. In addition, an individual or entity is held responsible only for the time period covered by the signed certification.

In the past, FSIS has not required specific language on the certifications. As such, a warning of criminal penalties was not included on the certifications. However, in a report issued in September 1986, concerning its audit of the meat and poultry inspection program, the Department's Office of the Inspector General recommended, in part, that FSIS develop a standard form for the certified calf program to warn producers of the consequences of false statements. Therefore, on December 27, 1988, FSIS published a proposed rule (53 FR 52177) to amend the Federal meat inspection regulations by adding specific language requirements on written certifications including language which advises certifiers of the consequences of making false statements on the certification and including identification

of each certified calf; by changing the definition of certified calf and certified group to require that all subsequent custodians of calves provide certification; and by requiring that all previous certifications be presented with the most recent certification to the inspector when the calf is presented for slaughter.

Comments on the Proposed Rule

FSIS received five comments in response to the proposed rule: four from trade associations and one from a law firm. All of the commenters supported the intent of the certification program—to provide a safe and wholesome meat supply; however, only one commenter expressed support without additional comments.

One commenter, while expressing support for the proposal, requested that FSIS expressly provide for the extra-label use of animal drugs and that FSIS clarify that the producer and all other custodians of the calf must execute a separate certificate each time custody of the animal changes. (Extra-label use of drugs refers to the prescribing and/or use of animal drugs contrary to the drugs' label instructions. This includes, but is not limited to, use in species or for indications (disease or other conditions) not listed in the labeling, use at dosage levels higher than those stated in the labeling, and failure to observe the stated withdrawal time.)

The tolerance, or maximum allowable level, of animal drug residues in edible products of food producing animals is established by the Food and Drug Administration which, under section 512 of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 360b), is responsible for approving new animal drugs and enforcing their proper use. The presence of above tolerance residues of an approved new animal drug and the presence of residues resulting from use of an unapproved new animal drug causes the drug to be deemed unsafe under section 5l2(a)(1) of the FFDCA (21 U.S.C. 360(b)(a)(1)). Food containing such residues is deemed adulterated under section 402(a)(2)(D) of the FFDCA (21 U.S.C. 342(a)(2)(D)). Under section 1(m) (1), (2), or (3) of the Federal Meat Inspection Act (21 U.S.C. 601(m)), any carcass or part thereof containing such residues is deemed adulterated and the carcass or part thereof must be condemned for human food purposes. In regard to the second part of the comment, FSIS believes that the regulation clearly states that the producer and all other subsequent custodians of the calf must execute a separate certificate each time the custody of the certified calf changes.

Three of the commenters expressed concern over the amount of additional paperwork that the proposal would generate. The commenters felt that those persons or entities involved in the marketing of the animal, such as truckers, market operators, and agents, would be unduly penalized with a paperwork burden when those persons or entities have not been the source of the residue. In addition, these commenters felt that such additional paperwork would not increase the effectiveness of the program, would not establish where the drugs were introduced, and might discourage persons from participating in the program.

Although FSIS recognizes that certain persons or entities involved in the marketing of the animals but not directly involved in the production of the animals would be subject to paperwork requirements, FSIS has determined that requiring certifications from each owner and subsequent custodian of the calf until it is presented for slaughter provides the most effective and least disruptive means of tracing back a residue problem to its source.

One commenter requested clarification on whether the Agency or the person certifying provides the certificates. Certificates, which must be executed in writing and which must contain all required language, are provided by the person or entity certifying the calf.

Final Rule

This rule adds specific language to be included in the certifications warning the certifying party that falsification of such certifications is a crime and may result in a fine or imprisonment or both. In addition to the warning, certifications must contain a list of the animals being certified and an identifying number which corresponds to the number displayed on the backtag, eartag, or other identification for those certified animals.

Previously, only producers certified animals. This rule extends the certification program to each subsequent custodian of the animal. That is, each custodian of the animal from birth to presentation for slaughter would have to certify the animal for it to be considered "certified" under this rule. Each "certifier" subsequent to the initial owner is required to present their certification and all previous certification(s) when the calf is presented for slaughter. This information will provide a chain of custody back to the initial owner and will assist FSIS in its efforts to trace back any problem discovered with an animal to its source. Therefore, the definitions of "certified calf" and "certified group" are amended to apply to "any other subsequent custodian of the animal" as well as to "producers."

This rule also makes an editorial correction to § 309.16 by changing the United States Code reference for title 18 on the certificate from § 3623 to § 3571. Section 3623 was repealed and was reenacted in § 3571.

In addition, this rule makes several editorial changes to §§ 309.16 and 310.21 to clarify the definition of certified calf and certified group.

FSIS is providing an effective date of 90 days from the date the final rule is published. This 90-day period will enable FSIS to inform those who market certified calves of the new requirements.

For the reasons set forth in the preamble, parts 309 and 310 are amended as set forth below.

List of Subjects

9 CFR Part 309

Ante-mortem inspection, Drug residues, Meat inspection.

9 CFR Part 310

Post-mortem inspection, Drug residues, Meat inspection.

PART 309—ANTE-MORTEM INSPECTION

The authority citation for part 309 is revised to read as follows and the authority citation following § 309.16 is removed:

Authority: 21 U.S.C. 601–695; 33 U.S.C. 1254(b); 7 CFR 2.17, 2.55.

2. Section 309.16 is amended by revising paragraphs (d)(1)(ii) and (3) (i) and (ii) to read as follows:

§ 309.16 Livestock suspected of having biological residues.

* * * * *

(d) * * *

(1) * * *

(ii) *Certified calf.* A calf that the producer and all other subsequent custodians of the calf certify in writing has not been treated with any animal drug while in his or her custody or has been treated with one or more drugs in accordance with FDA approved label directions while in his or her custody and has been withheld from slaughter for the period(s) of time specified by those label directions.

* * * * *

(3) *Certified group.* (i) For a calf to be considered certified, the producer and all other subsequent custodians of the calf must certify in writing that while the calf was in his or her custody, the

calf was not treated with animal drugs or was treated with one or more drugs in accordance with FDA approved label directions and was withheld from slaughter for the period(s) of time specified by those label directions. All prior certifications must be presented with the animal at the time of slaughter. The certifications shall contain a list of the calves with accompanying identification numbers, as required by paragraph (d)(3)(ii) of this section, followed by the following language:

I hereby certify that, while in my custody, from _____ to _____ (time period of custody), the above-listed calf or calves have not been treated with drugs, or have been treated with one or more drugs in accordance with FDA approved label directions and have been withheld from slaughter for the period(s) of time specified by those label directions. I certify that, to the best of my knowledge and belief, all information contained herein is true, that the information may be relied upon at the official establishment, and that I understand that any willful falsification of this certification is a felony and may result in a fine of up to $250,000 for an individual or up to $500,000 for an organization, or imprisonment for not more than 5 years, or both (21 U.S.C. 677, 18 U.S.C. 1001 and 3571).

Executed on _____
(date of certification)

_____
(signature of certifier)

_____
(typed or printed name and address of certifier)

_____
(business of certifier)

(ii) Each calf must be identified by use of backtag, eartag, or other type of secure identification which displays a number which shall be recorded on all written certifications.

* * * * *

PART 310—POST-MORTEM INSPECTION

3. The authority citation for part 310 is revised to read as follows:

Authority: 21 U.S.C. 601–695; 33 U.S.C. 1254(b); 7 CFR 2.17, 2.55.

4. Section 310.21 is amended by revising paragraph (b)(2) to read as follows:

§ 310.21 Carcasses suspected of containing sulfa and antibiotic residues; sampling frequency; disposition of affected carcasses and parts.

* * * * *

(b) * * *

(2) *Certified calf.* A calf that the producer and all other subsequent custodians of the calf certify in writing has not been treated with any animal drug while in his or her custody or has been treated with one or more drugs in accordance with FDA approved label directions while in his or her custody and has been withheld from slaughter for the period(s) of time specified by those label directions.

* * * * *

Done at Washington, DC, on February 12, 1990.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 90–4642 Filed 03–01–90; 8:45 am]

BILLING CODE 3410–DM–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 567

[No. 90–22]

RIN 1550–AA15

Divestiture of Control of Certain Savings Associations

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Thrift Supervision (the "Office") is adopting 12 CFR 567.13, which requires persons or companies that control a savings association, and are subject to some form of capital maintenance obligation with respect to such association, to provide the Office with notice prior to divesting control of the savings association. Under the regulation, acquirors required to provide the Office with notice will be able to complete a proposed divestiture upon paying, or guaranteeing to pay, any amount then due under a capital maintenance obligation.

EFFECTIVE DATE: April 2, 1990.

FOR FURTHER INFORMATION CONTACT: Kevin A. Corcoran, Associate Chief Counsel for Business Transactions, (202) 906–6962, V. Gerard Comizio, Senior Associate Chief Counsel/Director, (202) 906–6411, Corporate and Securities Division—Legal, or Julie L. Williams, Deputy Chief Counsel for Securities and Corporate Structure, (202) 906–6549; John Robinson, Senior Deputy Director for Supervision Policy (Acting), (202) 331–4587, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

A. General

For a number of years, the Federal Home Loan Bank Board (the "Board"), the predecessor of the Office, conditioned approval of applications by companies to acquire control of savings associations or savings and loan holding companies on the acquiror's undertaking to maintain the capital of the subsidiary savings association at or above required levels and to infuse capital into the association if the association's capital fell below the required level. In addition, capital maintenance obligations are currently imposed on individuals seeking to acquire a savings association and have also been imposed on controlling shareholders of *de novo* savings associations.[1]

It was the Board's experience that acquirors that are subject to a capital maintenance obligation may attempt various strategies to avoid such an obligation. Such attempts may occur, for example, where an acquiror sees the savings association facing increased capital requirements and/or a deteriorating financial condition and seeks to avoid its obligations by relinquishing control of the association. The problem is particularly acute where the divestiture is to a widely dispersed group of new owners, none of which would be subject to a capital maintenance obligation.[2]

B. Summary of the Proposal and Final Regulation

The Board proposed the regulation adopted today in Board Resolution No. 89–2329 (August 7, 1989), published at 54 FR 33923 (August 17, 1989). The regulation was proposed as 12 CFR 563.14–2; however, the regulation is being adopted as 12 CFR 567.13 due to the renumbering of certain regulations after the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") [3]

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[1] Capital maintenance responsibilities are one of two types of obligations that have been imposed on acquirors of savings associations. *See* 53 FR 31761 (August 19, 1988).

[2] Although divestiture does not absolve an acquiror from the responsibility of curing capital deficiencies that occurred while the acquiror controlled the savings association (even where the acquiror divests to a new acquiror, who enters into a new capital maintenance obligation), divestiture has, on occasion, raised practical problems with regard to enforcing an agreement. As noted in the proposal, the Board and now, the Office, believe that acquirors that control the practices of their insured subsidiaries and enjoy the benefits of such control, including FDIC insurance of accounts, should support such associations during periods of financial weakness of instability. The obligation to maintain the association's capital during such periods increases an acquiror's incentive to manage the association prudently. In addition, such support promotes the continued viability of the savings association, and helps maintain a safe and sound financial system and promote depositor confidence. 54 FR at 33924.

[3] Pub. L. No. 101–73.

and the promulgation of capital regulations by the Office thereunder.[4] The final regulation differs from the proposed regulation in certain respects, but, as a whole, is very similar to the proposal.

The regulation requires that any acquiror that is subject to a capital maintenance obligation give prior written notice to the Office of the proposed diverstiture of the savings association to which the obligation relates.[5] The notice must be given on Form DV, which is a certification. The certification requires that the acquiror indicate whether or not the transaction pursuant to which the divestiture of control would occur would require approval by the Office under 12 CFR part 574, and requires the acquiror to certify: (i) That the level of capital of each of the acquiror's federal or state savings association subsidiaries is correctly stated in such savings association's most recent Thrift Financial Report, and that there have been no recent developments that have materially adversely affected the financial conditon of any of such savings associations since the date of the financial data included in the most recent Thrift Financial Report; (ii) that the proposed transaction will not adversely affect the capital of any savings association proposed to be divested, and (iii) that the acquiror is not aware of any circumstances that may indicate that the capital of any savings association proposed to be divested is overstated.[6]

Although acquirors should be able to provide the standard certification in almost all cases, the Office recognizes that there may be unusual circumstances in which an acquiror may be unable to provide the standard certification. The Office believes that the inability to provide the standard certification should not necessarily mean that the acquiror may not divest its savings association subsidiary. In such cases, the acquiror should inform the District Director of the inability to submit the standard certification; the acquiror may submit an alternative certification in a form acceptable to the Director or his delegate.

Upon receipt of a notice, the Office has 90 days to conduct either a full or limited purpose examination (as deemed appropriate by the District Director) of the savings association to determine the extent of any capital deficiency, and to communicate the results of the examination to the acquiror.[7] If an examination is not completed within 90 days after the Office received notice of the divestiture, or the results of the examination are not communicated to the acquiror within such period, the financial information set forth in the savings association's most recent Thrift Financial Report filed prior to the notice of divestiture would be used in computing any deficiency. If the failure to complete an examination within 90 days is caused by lack of cooperation from the association or the acquiror, however, the 90 day period could be extended by the Director of the Office.

Paragraph (d), which sets forth the circumstances under which the acquiror may proceed with the proposed divestiture, has been revised to clarify the operation of the regulation. Where the examination reveals that no deficiency exists, the acquiror may proceed with the divestiture upon receipt of written notice that no deficiency exists. In the event the examination is not completed, or the results of such examination are not timely communicated to the acquiror, and the savings association's most recent Thrift Financial Report filed prior to filing of the notice indicates no deficiency exists, the acquiror may proceed with the divestiture on the ninety-first day after the Office received the notice.

In the event a deficiency exists (whether determined through the examination, or through use of the savings association's most recent Thrift Financial Report filed prior to the notice of divestiture in cases where the examination was not completed to the results not communicated to the acquiror in a timely manner), the acquiror may not divest control of the savings association unless: (i) The acquiror provides the Office with an agreement to infuse into the savings association the amount necessary to remedy the deficiency and makes arrangements, satisfactory to the Office, to assure payment of the deficiency, or (ii) the deficiency is satisfied.[8]

An acquiror may divest control of a savings association to which a capital maintenance obligation relates prior to the completion of the examination conducted under paragraph (c) of Section 567.13 if the acquiror provides the Office with an agreement to infuse into the savings association the amount necessary to remedy any deficiency and makes arrangements, satisfactory to the Office, to assure payment of any deficiency.

The regulation, as proposed, provided that the District Director had the authority to take certain actions under the regulation.[9] The final regulation generally includes references only to the Office. This change does not reflect a determination that all notices of divestiture must be acted upon by the Director. Instead, the Director will delegate authority under the regulation in a manner consistent with the proposed regulation by means of a separate order, which will be communicated to the public in a Thrift Bulletin.

C. Summary of Comments

In response to the proposal, the Office received comments from three savings associations, one law firm (which indicated that the comments were submitted on behalf of a client savings association), and one industry association.

The industry association had no objection to the regulatory changes specifically proposed, noting that "they do not purport to expand existing capital maintenance obligations, and appear to represent a reasonable approach to dealing with potential problems of evasion." Two of the commentators, however, objected to the regulation on the basis that the regulation alters existing agreements. The Office has carefully considered this assertion, and has concluded that the regulation does not change the nature of the capital maintenance obligations, but merely imposes a requirement that will enable the Office to discover the extent

[4] Resolution No. 89-340 (Oct. 27, 1989), 54 FR 46845, (November 8, 1989).

[5] This obligation would be separate from any application to be released from registration as a savings and loan holding company under 12 U.S.C. 1467a(b)(6) and 12 CFR 584.1(d).

[6] The proposed regulation required the acquiror to submit a textual discussion of the proposed transaction, and to provide certain information regarding the capital level of the savings associations involved. The Office has decided to require a certification instead, in order to minimize the burden imposed on persons subject to the regulation.

[7] Of course, if the Office determines at a later time that fraud or misrepresentations occurred during the course of the examination, the Office may seek appropriate enforcement remedies.

[8] When an acquiror is subject to a *pro rata* capital maintenance obligation (for example, when the acquiror has acquired a minority interest in the association and the Office has permitted the acquiror's obligation to be *pro rata*), the level at which the acquiror would be required to maintain the capital would be the level the capital of the savings association would reach if the acquiror contributed any required *pro rata* contribution.

[9] The proposed regulation provided that, in certain cases, the District Director would consult with the Senior Deputy Director for Supervision Operations and the Chief Counsel (or their respective designees).

of an acquiror's existing responsibilities under capital maintenance obligations.

One commentator indicated that persons trying to evade a capital maintenace obligation may be dealt with on a case-by-case basis using the Office's enforcement powers. The Office believes that, regardless of its enforcement powers, the regulation enhances the Office's ability to preserve and enhance the capital of certain capital deficient savings associations pursuant to capital maintenance obligations, of controlling persons and companies, of such associations.

Another commentator, claiming that many, if not most, capital maintenance obligations involve thrifts acquiring other savings associations, asserted that the regulation is rendered unnecessary by the corss-guarantee requirements imposed under section 206 of the FIRREA, 12 U.S.C. 1815(e).[10] The Office notes that capital maintenance obligations impose an obligation on controlling companies and persons to infuse capital into a savings association, and do not call for cross-subsidization. While capital maintenance agreements on occasion have been imposed on savings associations that acquire another savings association as a subsidiary, most acquisitions do not involve an acquisition by such an entity.[11] In addition, the Office notes that the cross-guarantee obligation may be triggered at a different point than capital maintenance obligations are triggered.[12]

[10] Under this provision, the FDIC may impose liability on savings associations for any cost or loss incurred or reasonably expected to the incurred by the FDIC in connection with a default by, or assistance to, a commonly controlled savings association.

[11] Significantly, Thrift Bulletin 5, issued by the Office of Regulatory Activities on October 19, 1988 ("TB–5"), states that for purposes of capital maintenance agreements, if the acquiror is itself an insured institution, a transaction will present a significant policy issue and require Board review if the agreement is not guaranteed by a third party that is not an insured institution.

[12] The commentator, a savings association that is also a savings and loan holding company, also appeared to assert that now that capital standards for savings associations must be no less associations that acquire a troubled savings association should not be subject to different treatment than national banks that acquire a troubled national bank. It is our understanding that ownership by a national bank of another national bank as a subsidiary is a rare, if not non-existent structure, in contrast to the use of such a structure in the thrift industry. Moreover, the capital maintenance requirement is based on the acquiror's control of the association. Furthermore, as noted in n. 11, if a savings association is the acquiror, the determination as to whether a capital maintenance agreement is acceptable is not based on the resources of the savings association.

The same commentator also asserted that under the regulation, savings associations with unsuccessful savings association affiliates will find it harder to raise capital because they will be under an immediate obligation to infuse capital into the affiliate before a divestiture will be permitted. Similarly, another commentator asserted that the regulation places additional hindrances on the transfer of savings associations from weak owners to strong owners. The Office considers the fulfillment of capital maintenance obligations to be an important responsibility of each acquiror, which justifies the procedures imposed by the regulation. Also, it should be noted that exceptions to the regulation may be granted under appropriate circumstances. Furthermore, with respect to the first of these two comments, the Office notes that the regulation creates no new capital maintenance obligation. Where a savings association's obligation to infuse capital into another savings association under a capital maintenance obligation has been triggered, the obligation to infuse capital exists regardless of any proposal to divest on the part of the party subject to the obligation.[13]

The comments also addressed specific provisions of the regulation. One commentator claimed that the 120-day examination period in the proposal was too long; legitimate transactions would be hindered or prevented entirely, and capital figures are easily verifiable. The Office notes that under the regulation, divestiture may take place immediately if the acquiror provides the Office with an agreement to infuse into the savings association the amount necessary to remedy a deficiency under the acquiror's capital maintenance obligation and makes satisfactory arrangements to assure payment of any deficiency. Furthermore, any inconvenience caused by the examination period may be lessened by giving notice to the Office at the earliest possible time. Nevertheless, in order to minimize any impediment to legitimate business transactions, the Office has reduced the examination period to 90 days.

[13] The Office notes that capital maintenance obligations historically have not imposed capital maintenance obligations on each subsidiary of a savings and loan holding company, but only on a savings association's holding companies. Also, pursuant to the Office's new capital regulations, set forth at 12 CFR part 567, savings associations failing their capital requirement will be required to submit a capital plan to the District Director within 60 days of promulgation of such regulations, or 60 days from the date the savings association falls out of compliance with its capital requirement.

The same commentator also asserted that a lack of clear guidelines as to when exceptions to the regulation may be granted may hinder or prevent legitimate transactions, and stated that the regulations should set forth specific standards for exceptions. Although the Office believes that it is not possible at this time to anticipate every situation in which an exception may be granted, and that flexibility in granting exceptions will be beneficial to parties proposing divestiture, the Office also agrees that guidance in this area would be useful.

In this regard, in general, requests for exceptions are most likely to be favorably considered where: (i) The new acquiror would infuse any needed capital into the savings association upon consummation of the acquisition; (ii) the Office has supervisory concerns with the divesting party's ownership of the savings association and is satisfied with the prospective new acquiror; (iii) the divesting party has no resources; or (iv) the savings association's capital clearly exceeds the level required under the capital maintenance obligation.[14] Further guidance with respect to the circumstances under which exceptions would be considered will be set forth in guidance to be issued by Supervision Policy

One commentator also noted that the regulation does not address the manner in which the regulation applies where the acquiror is subject to both a capital maintenance obligation and a prenuptial agreement. In this regard, the Office wishes to clarify that any acquiror subject to a capital maintenance obligation is subject to the regulation regardless of the nature of any other agreements the acquiror has entered.

Three of the commentators addressed issues on which the Board requested comment in the proposal, but which were not reflected in the proposed regulation itself. The Board requested comment on whether the objectives of the regulation could be met by providing that a savings association's stock that was divested by an acquiror that was subject to a capital maintenance obligation would carry a *pro rata* obligation to maintain the capital of the savings association. In response, one commentator asserted that the alternative of creating "tainted" categories of stock was unnecessary and potentially damaging to market receptiveness to savings association stock in general. In light of the numerous concerns that imposition of such a

[14] The foregoing examples are not intended to be an exclusive list of the circumstances under which exceptions to the regulation may be granted.

requirement would raise, particularly in view of the relative benefit to be gained therefrom, the Office is not imposing such a requirement.

Another commentator addressed the Board's request for comment on whether a mechanism should be provided whereby, under certain circumstances (such as where the savings association has deteriorating asset quality), the divesting party would be required to establish an acceptable escrow arrangement for funds that would be used to cover anticipated capital deficiencies occurring after the divestiture. The commentator expressed doubts that such a requirement would be legally enforceable in court, and asserted that if the Office held up a transaction on such a basis, it could be liable to lawsuits by the new acquiror. Also, the commentator stated that if the new owner is willing to maintain capital at the level required by law, the existence of a capital maintenance agreement with the previous acquiror seems irrelevant.

The Office agrees that concerns regarding post-divestiture losses may not be as great when a new acquiror becomes subject to a capital maintenance obligation.[15] A greater degree of concern is justified, however, where, for example, the divesting party simply "spins off" the stock of the savings association to its own stockholders. In many cases, such an action would not require prior approval of the Office. The proposal noted that the requirement would only be imposed in specific types of situations. Nevertheless, after considering the relative benefits and burdens of such an approach, the Office has decided not to incorporate the proposed requirement in the final regulation.[16]

[15] The Office notes that the mere "willingness" to maintain capital levels at the legally required levels would not be sufficient to address the Office's concerns. Where a capital maintenance obligation has been triggered, the Office's concerns would not be fully met unless the acquiror infused the required amount into the savings association upon consummation of the transaction or offered an acceptable, enforceable, capital plan to accomplish the same result within a satisfactory period after the acquisition. As noted previously, such an infusion may provide appropriate grounds for the grant of an exception to the regulation.

[16] The Office notes, however, that most recent capital maintenance agreements include a provision that termination of the agreement does not preclude the Office from exercising its rights under the agreement regarding a capital deficiency arising within one year after termination of the agreement, in respect to which notice of default is given within one year after termination of the agreement. The ultimate liability of an acquiror subject to a capital maintenance agreement is, as indicated by paragraph (e) of Section 567.13, dependent upon the terms of the particular agreement to which the acquiror is subject. The regulation does not provide a method for settling all liabilities that an acquiror may incur pursuant to a capital maintenance agreement. Instead, the regulation provides a means of establishing an acquiror's liability at the time of divestiture, and expressly leaves open the possibility that further liability may exist under the terms of particular agreements.

Finally, in response to the Board's request for comment as to whether restrictions on divestiture should be imposed with respect to pre-nuptial agreements, one commentator stated that such restrictions should not be imposed, because existing protections under the agreements are adequate. The Office agrees with this observation, noting in particular that the standard form of prenuptial agreement provides that the stock acquired must be transferred to the District Director, and that the acquiror may not sell the stock without the new acquiror becoming subject to the prenuptial agreement.

Executive Order 12291

The Office has determined that this final rule does not constitute a "major rule" and, therefore, does not require the preparation of a final regulatory impact analysis.

Final Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, 5 U.S.C. 604, the Office is providing the final regulatory flexibility analysis.

1. *Reasons, objectives, and legal bases underlying the regulation.* These elements have been discussed elsewhere in the **"SUPPLEMENTARY INFORMATION"** regarding the regulation.

2. *Small entities to which the regulation would apply.* The regulation will apply to all entities subject to a capital maintenance obligation.

3. *Impact of the regulation on small entities.* The rule will affect all persons and companies that are subject to capital maintenance obligations equally, and will not have an adverse impact on small entities.

4. *Overlapping or conflicting federal rules.* There are no other federal regulations that duplicate, overlap, or conflict with the final regulation.

5. *Alternatives to the regulation.* There are no alternatives that would be less burdensome and yet effectively accomplish the objectives of the regulation than the final regulation.

List of Subjects in 12 CFR Part 567

Capital, Reporting and recordkeeping requirements, Savings associations.

Accordingly, the Office hereby amends part 567, subchapter D, chapter V, Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—REGULATIONS APPLICABLE TO ALL SAVINGS ASSOCIATIONS

PART 567—CAPITAL

1. The authority citation for part 567 continues to read as follows:

Authority: Sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 3, as added by sec. 301, 103 Stat. 278 (12 U.S.C. 1462a); sec. 4, as added by sec. 301, 103 Stat. 280 (12 U.S.C. 1463); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 10, as added by sec. 301, 103 Stat. 318 (12 U.S.C. 1467a).

2. Amend part 567 by adding new § 567.13 to read as follows:

§ 567.13 Obligations of acquirors of savings associations to maintain capital.

(a) *Definitions.* As used in this section, the following definitions apply, unless the context otherwise requires:

(1) *Acquiror* means a person or company that controls a savings association.

(2) *Control* means control as determined under § 574.4(a) or (b) of this chapter.

(3) *Capital* means the measure of capital used in the applicable capital maintenance obligation.

(4) *Capital maintenance obligation* means an obligation to maintain the capital of a savings association imposed by means of a resolution issued or condition imposed by the Federal Savings and Loan Insurance Corporation ("FSLIC"), the Federal Home Loan Bank Board ("Board"), the Office, or any of their delegates, a stipulation to the FSLIC, the Board, the Office, or any of their delegates, or an agreement between the acquiror and the FSLIC, the Board, the Office, or any of their delegates.

(5) *Deficiency* means the amount by which the level at which the acquiror is required to maintain the association's capital pursuant to a capital maintenance obligation exceeds the savings association's capital.

(6) *Divestiture* or *divest* means any action or conduct that would result in the acquiror no longer being in control of the savings association.

(7) *Savings association* means a Federal savings and loan association or a Federal savings bank chartered under section 5 of the Home Owners' Loan Act, a building and loan, savings and loan or homestead association or a cooperative bank (other than a cooperative bank described in 12 U.S.C. 1813(a)(2)) the deposits of which are insured by the Federal Deposit Insurance Corporation, and any corporation (other than a bank) the deposits of which are insured by the

Federal Deposit Insurance Corporation that the Office and the Federal Deposit Insurance Corporation jointly determine to be operating in substantially the same manner as a savings association, and shall include any savings bank or cooperative bank which is deemed by the Office to be a savings association under 12 U.S.C. 1467a(1).

(8) *Savings and loan holding company* means a savings and loan holding company as defined in § 574.2(q) of this chapter.

(b) *Notice.* Prior to divestiture of a savings association, an acquiror that is subject to a capital maintenance obligation shall provide written notice of such divestiture to the Office on Form DV, including the certifications required therein. If the acquiror is unable to provide such certifications, the acquiror may submit alternative certifications addressing the subjects of each certification, in a form acceptable to the Office.

(c) *Determination of deficiency.* Upon receipt of the notice required under paragraph (b) of this section, the Office will conduct a full or limited scope examination of the savings association, as deemed appropriate by the District Director, to ascertain whether a deficiency exists as of the date of the examination. If such examination is not completed within 90 days of the notice required under paragraph (b) of this section, or the Office has not communicated the results of the examination to the acquiror within such period, the deficiency, if any, shall be calculated based on the savings association's most recent Thrift Financial Report, filed prior to the notice of divestiture, *provided, however,* that if the failure to complete an examination within 90 days is caused by any failure of the association or the acquiror to cooperate, the 90 day period may be extended by the Director of the Office for additional periods, including such time as may be needed to base a deficiency on the results of a completed examination. Notwithstanding any other provision of this section, if the Office determines that fraud or misrepresentation occurred during the course of an examination conducted to determine the association's capital, compliance with the procedures set forth in this section shall not be deemed to have extinguished an acquiror's capital maintenance obligation and the Office will seek appropriate enforcement remedies.

(d) *Divestiture.* (1) In the event that the examination conducted under paragraph (c) of this section indicates that no deficiency exists, the acquiror may divest control of the savings association to which the capital maintenance obligation relates upon receiving written notice of the results of the examination. Where the examination was not completed or the results not communicated to the acquiror in a timely manner, and the savings association's most recent Thrift Financial Report filed before the filing of the notice of divestiture indicates no deficiency existed at that time, the acquiror may divest control of the savings association to which the capital maintenance obligation relates 91 days after the receipt of the notice by the Office, or such longer period as established under paragraph (c) of this section.

(2) In the event that a deficiency exists, the acquiror may not divest control of the savings association to which the capital maintenance obligation relates unless:

(i) The acquiror provides the office with an agreement to infuse into the savings association the amount necessary to remedy the deficiency and make arrangements, satisfactory to the Office, to assure payment of the deficiency; or

(ii) The deficiency is satisfied.

(3) An acquiror may divest control of a savings association to which a capital maintenance obligation relates prior to the completion of the examination conducted under paragraph (c) of this section if the acquiror provides the Office with an agreement to infuse into the savings association the amount necessary to remedy the deficiency and makes arrangements, satisfactory to the Office, to assure payment of any deficiency.

(e) *Effect of regulation on terms of capital maintenance obligations.* This regulation does not supercede any liability imposed by a capital maintenance obligation.

(f) *Exceptions.* The Director of the Office may, upon application or upon his or her own initiative, grant or deny exemptions from this section.

Dated: January 4, 1990.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90-4760 Filed 3-1-90; 8:45 am]

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FEDERAL HOUSING FINANCE BOARD

12 CFR Part 960

[No. 90-29]

Affordable Housing Program

AGENCY: Federal Housing Finance Board.

ACTION: Interim final rule; request for comments; Notice of open application periods and deadlines.

SUMMARY: The Federal Housing Finance Board ("Board") is adopting interim regulations for the operation of the Affordable Housing Program by the Federal Home Loan Banks ("Banks") in order to implement the provisions of Section 721 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA" Pub. L. No. 101-73, 103 Stat. 183, 423-426), which requires the establishment of an Affordable Housing Program ("Program" or "AHP"). The Program is designed to expand and strengthen the Banks' and their member institutions' support for affordable housing. The Program will help meet the most critical community investment and affordable housing needs.

DATES: Effective March 2, 1990.

Comments must be submitted on or before May 1, 1990.

Applications for Affordable Housing Program funds must be made between March 2, 1990 and May 1, 1990 for the initial 1990 AHP funding and between July 17, 1990 and August 31, 1990 for the final 1990 AHP funding.

ADDRESSES: Comments may be mailed to Federal Housing Finance Board, Secretariat, John Ghizzoni, 1777 F Street, NW., Washington, DC 20006, where comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT: Richard Tucker, Deputy Director, Office of Housing Finance Programs, (202) 906-6211 or Stephen D. Johnson, Attorney Advisor, Office of Housing Finance Programs, (202) 906-6318, Federal Housing Finance Board, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

A. General

FIRREA added section 10(j) to the Federal Home Loan Bank Act of 1932 ("FHLB Act"—12 U.S.C. 1430(j)), which provides that, pursuant to regulations promulgated by the Board, each Bank must establish a Program to subsidize the interest rate on advances to members of the Federal Home Loan Bank System engaged in lending for long-term, very low-, low- and

moderate-income, owner-occupied and affordable rental housing at subsidized interest rates. The Program that is established under FIRREA is designed to strengthen the Banks' and their member institutions' support for affordable housing.

The Board believes that the Banks and member institutions have an affirmative responsibility to provide financing that meets prudent, flexible, and innovative underwriting standards for very low-, low- and moderate-income housing for both owner occupants and tenants.

The Board has elected to operate the program as a series of twelve District-wide competitions. This reflects the statutory language that directs each Bank to establish a Program. The statute further specifies the dollar contribution of each Bank and establishes a procedure for the use of the remaining funds if any Bank fails to use the full amount of its statutory contributions.

However, while the Board has elected to operate the Program as a series of semiannual District-wide competitions, the regulations create an overarching uniformity by specifying a set of objectives and relative weights, the net result of which should be a consistent evaluation of projects and the attainment of national goals. The Board will monitor the consistency of project evaluation in two ways: (1) By evaluating the overall scoring across Districts when it reviews the projects submitted by the Banks and (2) by conducting post audits. While the Board believes it has given the Banks sufficient guidance on how to evaluate applications, it invites comments on any and all aspects of the evaluation process.

The Board anticipates that the Banks will fulfill their Program obligations primarily through the use of subsidized advances pursuant to the Federal Home Loan Bank System Credit Program ("Advances"). The Banks may also fulfill their obligations through the use of direct subsidies or other types of assistance to members.

In order to promote the use of the Program, the Banks are encouraged to explore all possible ways of reaching the targeted households and to encourage wide participation in the Program among their members. Furthermore, the Program is to be used in addition to the existing housing programs of the Banks, principally the Community Investment Program ("CIP").

As a means to foster broad-based support, the Board recognizes the value of encouraging the establishment of effective public/private partnerships and leveraging other sources of funds. The Board anticipates that funds provided under this Program may be used in conjunction with other sources of funds such as the CIP, the low-income housing tax credit program, as well as other federal, state, or local and private assistance programs. The Board notes, however, while other sources of funding may be used in conjunction with the Program, the Board will consider the subsidies provided by these other funding sources in determining the maximum subsidy allowed under this Program.

The Board is aware of a variety of these programs that can be used to complement the Program and seeks to establish implementing regulations that will facilitate and maximize program integration. The Board encourages innovative efforts to provide subsidized credit for targeted households. Banks will provide technical assistance and guidance to their members on a wide range of possible initiatives and funding arrangements. Some examples of such arrangements are provided below.

1. *Securitization*—The securitization of loans made under the Program can broaden investor participation in very low-, low- and moderate-income housing finance. If successful, securitization can create a secondary market for these types of housing loans. There are a number of approaches available for accomplishing this securitization.

A member could borrow Program advances to fund eligible subsidized loans and swap the loans into mortgage-backed securities created by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation. The Bank then could purchase the mortgage-backed security at par, allowing the member to use the sale proceeds to repay the Program advance. The difference between the par value of a security and its market value represents the Bank's subsidy.

Linking the Program with securitization and the secondary market offers a number of challenges. For example, successful packaging often requires credit enhancements to give the securities the necessary investment-grade rating. These enhancements include private mortgage insurance (either on individual loans or loan pools), the use of senior/subordinated structures, or recourse arrangements. Each of these enhancements entails a cost and a risk for the provider of the enhancement.

The Board realizes that current secondary-market requirements and underwriting criteria may constrain the financing of affordable housing through securitization. The Board will work to assist in developing and institutionalizing creative solutions in such areas.

2. *Consortia/Participations*—Lender participation in the Program may involve a single project or groups of projects that involve several participating lenders. This involvement may take many forms including the development of lender consortia, jointly-owned service corporations, purchase of participation interests, or the purchase of mortgage-backed securities issued by special-purpose mortgage conduit corporations. Many of the successful public private partnerships in affordable housing already operate with multi-lender involvement.

3. *Public Financing Sources*—Public financing sources provide additional local, state, and federal funds. These range from the federal housing tax credit programs to the innovative use of local resources. A combination of these financing vehicles will assist in serving the Program's targeted households. These programs, most of which have already been used in conjunction with the CIP, provide excellent opportunities to reach even lower income households.

Low-income housing tax credits, authorized by the Tax Reform Act of 1986, are distributed through the states, often through state housing finance agencies. The program offers owner/investors a credit against federal income taxes based on the cost of acquiring, rehabilitating, or constructing low-income rental housing. The amount of tax credit received depends on the income level served.

Mortgage revenue bonds are issued by state and local housing finance agencies at below-market rates because the interest is tax exempt for federal-tax purposes. This interest savings is passed on to the homebuyer in the form of lower mortgage rates and is used as a means for financing moderate-income housing. The attractiveness of this source, however, has been significantly reduced by the Tax Reform Act of 1986.

Mortgage credit certificates (MCCs) authorize the borrower to take a direct tax credit every year against his/her federal tax liability until an equivalent of 20 percent of indebtedness is taken as a credit. All state housing finance agencies have the authority to establish these certificates on an optional basis. However, they count against a state's volume cap for mortgage-revenue bonds. Instead of using tax-exempt bonds to finance mortgage originations, state agencies can issue MCCs directly to the borrower after the mortgage is originated by the lender. This program is particularly useful for first-time homebuyer programs.

The Department of Housing and Urban Development ("HUD") offers several programs that may be used in conjunction with the Board's Program. These include:

Community Development Block Grant Program—a multipurpose community program that places significant emphasis on activities that benefit low- and moderate-income households. Housing rehabilitation, public facilities, and economic development are a few of the areas emphasized by this program.

Rental Rehabilitation Program—combines the resources of private investors, lending institutions, and the federal government to provide lower-cost rental units.

Section 8 Housing Voucher Program—provides housing vouchers to low-income tenants to cover a portion of the rent for decent housing units of their choice. Section 8 has also been used with limited-equity cooperatives. This program can be quite effective when used in conjunction with low-income tax credits.

In addition to the HUD programs listed above, other government agencies such as the Farmers Home Administration, the Veterans Administration, and the Small Business Administration, offer programs that provide assistance to low- and moderate-income households and communities.

B. Analysis of the Regulation

1. *Establishment of the Program*—The board of directors of each Federal Home Loan Bank must adopt an implementing plan for the Program established by FIRREA and implemented in these regulations. The regulations require the Banks to submit their plan to the Board prior to the end of the application period.

2. *Use of subsidized advances and direct subsidies*—As required by the FIRREA, the regulations provide for the Banks to subsidize the interest rates on advances to members engaged in lending for long-term, low- and moderate-income, owner-occupied and rental housing. Additionally, since the Board believes the Banks should maximize the resources provided under the Program through the innovative use of Program subsidies, the regulations also permit the use of direct subsidies and other types of subsidized assistance.

The regulations define subsidy as the dollar amount of direct cash payments to the Program or the net present value of the foregone cash flows to the Bank resulting from making funds available under the Program at rates below the cost of funds. Defining the subsidy to equal the present value of future cash flows provides for an upfront funding of future obligations. The Board believes it is appropriate to adopt this funding approach to the Program; it is also in accord with generally accepted accounting principals. Upfront funding of the subsidy commitment ensures that adequate funding will be available in future years and allows for a steady stream of new projects each year to meet changing national and regional policy objectives.

While an alternative program that used annual funding of the subsidy commitment would allow an increased number of projects to be funded in the first year, such an approach could create substantial funding and administrative problems.

For example, given the expected volatility in annual contributions by the Banks to the Program, funding shortfalls could occur. Furthermore, although this approach would allow significantly more projects to be funded the first year, no new projects could be funded in subsequent years until the loans on the original projects were repaid.

The design of the Program is such that members are encouraged to participate in projects that they might not otherwise consider. For example, the subsidy could act, in some instances, as the mechanism that will allow the member to make a loan it might not otherwise have made, priced at a level consistent with the ultimate borrower's ability to pay, while still making an attractive spread.

The Board expects that, with the exception of pricing, the terms and conditions of the advances offered by the Banks to members as part of the Program will conform to the Banks, credit underwriting and collateralization standards. The Board also expects that the members, in making loans under the Program, will apply prudent underwriting standards. Members are required to maintain safe and sound lending practices consistent with the requirements of their primary regulator to ensure that Program loans are within acceptable risk levels.

As required by FIRREA, the regulations describe two broad purposes for Affordable Housing Program (AHP) subsidy use: (1) To finance the purchase, construction, and/or rehabilitation of owner-occupied housing for very low-, low- and moderate-income households; and (2) to finance the purchase, construction, and/or rehabilitation of rental housing, at least 20 percent of the units of which will be occupied by and affordable for very low-income households for the remaining useful life of such housing or the mortgage term.

While the Board encourages financing arrangements that may be used for leveraging the funds to be allocated under the Program, it realizes that some of these innovative concepts and financing arrangements may not be familiar to some members. Because of the Board's concern for safety and soundness and prudent lending, institutions not familiar with these financing techniques are encouraged to consider participating with experienced lenders.

3. *Application for Funding*—AHP funds will be made available on either on an annual or a semiannual basis. In the case of semiannual offerings, the initial funding during the first half of the calendar year shall not exceed 60% of the AHP funds for the year; the balance of AHP funds would be available in the second and final offering during the second half of the calendar year. Each Bank is to notify its members of the amount of annual Program funds available for the District, whether funding will be on an annual or semiannual basis, and begin accepting applications for Program funds, by January 15 (and again on July 15 for semiannual offerings) of each year. The Board will also publish notice of each Bank's available AHP funds. The deadline for submitting applications to the Bank will be 45 days later. Those applications receiving the highest ratings will be forwarded by the Bank to the Board not later than 45 days after the close of the application period. The Board will announce final funding decisions within 30 days thereafter. For 1990, however, the application deadline for the first AHP funding is May 1, 1990.

To ensure that Program subsidies are allocated for the priority uses intended and the specific households targeted, the regulations require that a member's application for a subsidized advance, direct subsidy, or other assistance include a description of the project and its conformity with Program objectives. The application must also include: a description of the feasibility of the project including local market conditions; the qualifications of the sponsor, if any; the calculation of the subsidy requested; and certifications that funding received will not be used for arbitrage purposes, that the project will not receive subsidy in excess of that allowed by the FHLB Act or the regulations and that the subsidy shall only be used for authorized purposes. The application must also include a description of the long-term monitoring techniques that will be used by the member to ensure the appropriate use of

Program funds and the recapture of any unused subsidy.

4. *Project Scoring and Funding*—The Program will operate through a nationally administered series of District-wide competitions. There will not be special allocations for states or jurisdictions. Each Bank will evaluate applications on the basis of a number of criteria or objectives that are included in the regulation. These objectives reflect the broad goals of reaching the targeted households, providing maximum assistance per subsidy dollar, and encouraging innovation, community involvement, and community stability.

The regulations identify seven priorities for the Program subsidies:

(1) Projects that finance the purchase, construction, and/or rehabilitation of owner-occupied homes for very low-, low- and moderate-income households in that priority order; or

(2) Projects that finance the purchase, construction, and/or rehabilitation of rental housing, at least 20 percent of the units of which will be occupied by and affordable for very low-income households for the remaining useful life of such housing or the mortgage term; or

(3) Projects that finance the purchase and/or rehabilitation of housing owned or held by the United States Government or any agency or instrumentality of the United States including those held by the U.S. Department of Housing and Urban Development, the Resolution Trust Corporation, Farmers Home Administration, Veterans Administration, Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation; or

(4) Projects that finance the purchase, construction, and/or rehabilitation of housing, which is sponsored by any nonprofit organization, any state or political subdivision of any state, any local housing authority, or state housing agency; or

(5) Projects that empower the poor through resident management, urban homesteading and similar programs; or

(6) Projects that promote fair housing; or

(7) Projects that provide permanent housing for the homeless.

Each Bank will first separate the submitted projects into two groups: (1) Those that meet at least three of the priorities identified in the regulation and (2) those that meet fewer than three of the priorities. Projects in the first group will be rated before projects in the second group. Second group projects will only be rated and forwarded to the Board if there are insufficient applications in the first group. The Banks should consider, however, projects not forwarded to the Board for assistance under other programs as the Community Investment Program (CIP).

To ensure that the projects funded conform to Program objectives, the Banks will evaluate all projects using the 100 point scoring system described in the regulation. The Banks will rank order the applications within each of the groups identified above based on the sum of the point totals for the applications.

The scoring system divides the Program objectives into three groups. The total possible score a project may receive is 100 points. The first, and most important objective is the consistency of the project with the priorities identified in the regulation. Projects may receive up to 25 points for this objective, with a project's actual point total reflecting its consistency with, or potential for achievement of, the priorities.

The second group of objectives includes: (1) Targeting—the extent to which the project targets households below the statutory maximum, especially very-low income households; (2) long-term retention—the potential for long-term retention of owner-occupied and rental housing affordable for very low-, low- and moderate-income households; and (3) effectiveness—the effective use of Program dollars, i.e., the number of units to be built or mortgages to be granted per AHP subsidy dollar, including the extent to which the project is able to draw upon other sources of funds and programs designed to benefit targeted households. The Bank may award each project up to 15 points per objective in this group.

The third group of objectives includes: (1) Community involvement—the extent to which the project involves non-profit or community organizations; (2) community stability—the extent to which the project maximizes community stability and minimizes the displacement of very low-, low- and moderate-income households; and (3) innovation—the use of innovative and experimental non-financial and financial approaches toward providing affordable housing for very-low, and low- and moderate-income households. The Bank may award a project up to 10 points for each objective in this group.

After the Bank has evaluated applications from members, the Bank will forward to the Board for final funding consideration those projects receiving the highest overall rankings. To ensure an adequate pool of projects for Board consideration, the regulations require each Bank to forward to the Board applications from the highest ranking projects sufficient to exhaust the funds available to the Bank under the Program plus the next four highest-ranking projects. The regulations provide, however, that if in the Board's opinion there is an insufficient number of applications from any Bank, the Board may request that the Bank submit additional eligible applications.

The regulations also require the Bank to submit a summary of each project to the Board. The summary shall include a brief description of the project, the amount of subsidy requested, a description of how the member and Bank will monitor the project, a description of the provisions for recapture of the subsidy, and the reason for the points awarded for each of the enumerated objectives.

The Board will review the projects submitted by each Bank to ensure national consistency with the Program's stated goals, priorities, and objectives. Based on this review and the rankings submitted by the Banks, the Board will make final funding decisions.

5. *Reporting*—To facilitate reporting, the Board is designing and will implement at the outset of the Program a comprehensive computerized AHP reporting system. The AHP application will be entered into the system upon receipt by the Bank. The entry will be updated to include the disposition of the application and the progress of the project if the application is approved and funded.

Members that receive subsidies will be required to file periodic reports with the Bank until the subsidy has been fully used or repaid. The reports will, at a minimum, describe the manner in which the member has used the proceeds of the subsidy and contain a certification that the subsidy continues to be used for the proposed purposes.

6. *Monitoring*—A variety of safeguards have been built into the Program to monitor project performance and ensure adherence to Program guidelines and regulations. These monitoring elements are designed to prevent Program misuse and ineffective use of Program assets.

Monitoring by the member and its board of directors is required. The member must include in each AHP application an explanation of how the member intends to monitor and report the use of any subsidy or other assistance provided by the Bank including copies of any agreements entered into for this purpose. Each Bank must monitor, audit, and review its Program and member Program projects to ensure full compliance.

At a minimum, the Board and the Banks will audit the following Program elements: Bank contributions, subsidy

calculations, pricing, development, promotion, marketing, and compliance. In addition, member project development, subsidy delivery, loan pricing (including mark-up, fees, and, terms), community involvement, oversight, and innovative approaches to financing affordable housing will also be monitored. The Board has the responsibility and authority to monitor, audit, and review Bank and member compliance using all resources at its disposal.

Techniques for monitoring may include audits of applications and supporting documentation, loan-record analysis, specialized reporting and data gathering, and site inspections. The application process, periodic reporting, data gathering and site visits by Bank personnel will help provide necessary information.

Monitoring AHP advances and assistance for single-family homeownership will in all instances require compliance with a one-time initial income eligibility requirement to ensure that only the targeted households are the recipients of the subsidies.

In certain cases, such as community land trusts and limited-equity housing cooperatives, where long-term retention of income eligibility requirements and use restrictions are present, longer-term monitoring will be necessary, particularly at the time of sale or transfer of the housing unit.

Monitoring multifamily rental projects will require long-term tracking (both of use and income levels) to ensure that Program subsidy benefits remain available to very low-, low- and moderate-income households. Most local, state, and federally funded housing programs are targeted to very low-, low- and moderate-income households, and income eligibility is set and maintained for a designated period. Where Program subsidies are used in tandem with such programs, the income level recertification process required by the other program (usually annual) will normally satisfy the income eligibility monitoring requirements of the Program. Where other local, state, and federal officials perform field visits, loan and lease reviews, and other inspections, additional information will be available to assist the Board and the Banks in monitoring efforts.

7. *Recapture*—If at any time the proceeds of a subsidized advance will not be or cease to be used for authorized uses and eligible projects, the member who received such an advance must immediately notify the Bank that granted the advance. The member should immediately cease to provide subsidized funds to the project. Upon receipt of such notice, the Bank shall recover the unused or improperly used portion of the subsidized advance, and, in doing so may exercise a number of options, including: repricing the advance to the interest rate applicable at the time the advance was made on non-subsidized advances of comparable type and maturity; requiring the member to reimburse the Bank for the amount of the subsidy remaining on the advance; assessing a prepayment penalty; or calling such advance. Under all circumstances, any subsidy committed but no longer used for an eligible project will become available for future projects.

To prevent potential windfall profits through the premature sale of rental housing that has been subsidized using AHP funds, members must either provide the Banks with evidence that the sales contract includes a provision that the housing will continue to be used for its original purpose, or agree to reimburse the Bank an amount equal to the *pro rata* subsidy value considered to have been realized by the seller as profit, based upon the amount of the subsidy and the remaining term of the project as originally proposed.

8. *Maximum Subsidy*—The Board believes it is important that recipients of Program subsidies contribute towards the provision of their housing. As such, the regulations set the maximum subsidized assistance to the amount needed to reduce the monthly housing payment for the targeted household to 28 percent of gross monthly income.

If the subsidized assistance is in the form of an advance, the regulation also specifies that the loan to the borrower shall be subsidized at least to the same extent as the advance is subsidized; the borrower must receive the full benefit of the subsidy.

9. *Contributions to Program*—The regulations set forth the funding requirements for the Program. As provided in FIRREA, the Banks are required to contribute a percentage of their preceding year's net income to the Program. Beginning in 1990, this amount shall be five percent of the preceding year's net income increasing to six percent in 1994, and to 10 percent in years thereafter.

The regulation also sets forth minimum annual total amounts that must be contributed by the Bank System as a whole as required in FIRREA. From 1990 through 1993, at least $50 million must be contributed annually to the Program by the Banks. This amount will increase to $75 million in 1994, and to $100 million annually thereafter. To the extent that the percentage of income-based annual contributions of the Banks do not meet these minimal, additional contributions shall be made *pro rata* by each Bank based on net income such that the minimum dollar requirement shall be met. Each Bank's *pro rata* share of such additional contribution will be determined by dividing the Bank's net income for the relevant period by the total System net income for the same period and then multiplying the percentage derived by the amount of the System shortfall.

The regulations clarify the method of calculation of net income for purposes of determining contributions. Section 721 of FIRREA defined net earnings as follows:

> The net earnings of any Federal Home Loan Bank shall be determined for purposes of this paragraph—
>
> (A) After reduction for any payment required under section 21 or 21B of this Act; and
>
> (B) Before declaring any dividend under Section 16.
>
> 103 Stat. 424.

The Board believes it is appropriate to distinguish between those contributions made out of current income and those covered by historical retained earnings. The regulations, therefore, provide that, for purposes of calculating the annual amount of contributions, the Banks' annual net income is reduced by the $300 million from current year earnings made under Section 21 and 21B of the FHLB Act.

10. *Temporary Suspension of Contributions*—Consistent with section 721 of FIRREA, the Board is providing a procedure for the temporary suspension of contributions in extraordinary circumstances. If a Bank believes that a temporary suspension is appropriate, the Bank must immediately notify the Board and make written application. The application should be accompanied by its preceding year's annual report and the most recent quarterly and monthly financial statements. Banks that apply for temporary suspension may also submit additional information not provided for in these regulations to support its case for suspension.

The regulations specify factors the Board will consider in determining whether to approve an application for temporary suspension, including, any decline in the Bank's quarterly or annual net income, paid-in membership capital, level of advances, and projections for these trends to continue. The Board will also consider other financial conditions that may contribute to the Bank's financial instability and financial data the Bank submits in support of its application.

The Board will disapprove a temporary suspension application if the Bank's financial instability results from a change in the term of advances, other than subsidized advances, inordinate operating and administrative expenses, non-standard banking practices, mismanagement, or is not justified by market conditions.

The Board will act on written applications for temporary suspension within 30 days of receipt, but the temporary suspension shall not take effect until the time period expires for a joint resolution of Congress disapproving the temporary suspension. The Board decisions shall be accompanied by specific findings and reasons for the action. All temporary suspensions will be granted for a specified time period. The Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate and each Bank shall receive written notice of any temporary suspension.

During a temporary suspension, the Bank shall provide the Board any financial reports the Board may require. The Board may determine at any time during the suspension that the Bank has returned to a position of financial stability and the Board may terminate the temporary suspension upon written notice to the Bank. A Bank may apply in writing for an extension of a temporary suspension, and the Board shall act on the request within 20 days of receipt. The Board will determine the effective date, issue written notice, and notify Congress and the Banks of extensions in a fashion similar to original temporary suspensions.

Congressional notice of suspensions will be sent to the Committees 60 days prior to the effective date of a suspension and 30 days prior to the effective date of an extension. The temporary suspensions granted by the Board will become effective on their prescribed dates, unless a joint resolution of Congress disapproving the temporary suspension is enacted prior to the effective date.

11. *Unused Contributions*—If a Bank fails to use the amount it is required to contribute to the Program in a given year, 90 percent of the unused amount will be paid over to the Affordable Housing Reserve Fund at the end of the year. The 10 percent of the unused or uncommitted amount retained by the Bank should be fully utilized or committed by that Bank during the following year and any remaining portion must be deposited in the Program Reserve Fund.

12. *Reserve Fund*—The regulations provide for a reserve fund, to be used in the event that a Bank does not use all of its Program funds in a given year. Unused Program funds from one year will go into this reserve fund to be administered by the Board. Any Bank may apply to the Board to use the reserve funds, but only after its current annual allocation to the Program has been committed.

13. *Coordination*—The regulations require the Board and the Banks to coordinate Program activities to the maximum extent possible with other government agencies and with the appropriate non-profit organizations.

14. *Advisory Councils*—FIRREA requires the establishment of Program Advisory Councils by each Bank pursuant to regulations promulgated by the Board, as follows:

> (11) Advisory Council.—Each Bank shall appoint an Advisory Council of 7 to 15 persons drawn from community and non-profit organizations actively involved in providing or promoting low- and moderate-income housing in its District. The Advisory Council shall meet with representatives of the board of directors of the Bank quarterly to advise the Bank on low- and moderate-income housing programs and needs in the District and on the utilization of advances for these purposes. Each Advisory Council established under this paragraph shall submit to the Board at least annually its analysis of the low-income housing activity of the Bank by which it is appointed.
>
> 101 Stat. 425–426.

In recognition of the economic and geographic differences among the Bank Districts, the Board provides in these regulations that each Bank has the discretion to determine the size and member composition of its Advisory Council. Each Bank shall give consideration to the size and diversity of its District and the very-low, and low- and moderate-income housing needs of its District. The regulations provide that the composition of each Bank's Advisory Council must reflect the very low-, low- and moderate-income housing activities and needs within the District, as well as the full range of the community and non-profit organizations' concerns.

FIRREA provides flexibility in the selection of Council members in each District. At the same time, experience and commitment to providing and/or promoting very low-, low- and moderate-income housing should be the most important factors in choosing members. The Board recognizes that state and local housing agencies represent a significant resource, based on their extensive experience in this area, that may be included in the Advisory Councils; however, in an effort to encourage broad representation, state and local agency officials should not constitute an undue proportion of the Council membership.

The nomination and selection process in the regulations is aimed at encouraging broad local participation in the process. Each Bank should actively solicit nominations from as many community and non-profit organizations as can be identified. In order to defray the expense of participating in the Advisory Councils, members will be compensated by the Banks for travel expenses and paid a subsistence allowance.

The regulations require that Council members serve staggered two-year terms. In so directing, the Board seeks to provide continuity in experience and service to the Advisory Council, as well as to provide frequent opportunities for new groups and individuals to serve on the Councils. Banks may use one-year terms initially, provided that all Banks must include in their Advisory Council plan a provision for staggered terms beginning no later than January 1991 that will ultimately lead to two-year terms with one-half of the terms expiring each year.

Each Council will designate one of its members or a member of the Bank's staff to act as Secretary of the Advisory Council. The Secretary will record and maintain minutes of the meetings of the Council. Minutes of each meeting shall contain, among other things, a record of the persons present, a description of the matters discussed, and recommendations made. The Secretary's reports will be the initial basis for the annual Council reports to each Bank and the Board.

The regulations require that each Bank submit annually to the Board, for review and approval, a detailed plan for the operation of its Advisory Council.

During the review and approval process, the Board will discuss with the Banks any suggested additions and changes in order to ensure consistency among the Banks' Advisory Council structures, while leaving appropriate flexibility and discretion in each District.

C. Notice of 1990 AHP Funding and Open Application Period

For calendar year 1990, the Banks will have AHP funds available as follows:

Bank	District	1990 AHP (millions)
FHLB of Boston	CN, MN, MA, NH, RI, VT	$5.982
FHLB of New York	NJ, NY, PR, VI	7.443
FHLB of Pittsburgh	DE, PA, WV	3.692
FHLB of Atlanta	AL, DC, NC, SC, FL, GA, MD, VA	8.643
FHLB of Cincinnati	KY, OH, TN	2.352
FHLB of Indianapolis	IN, MI	3.577
FHLB of Chicago	IL, WI	2.437
FHLB of Des Moines	IA, MN, MO, ND, SD	2.729
FHLB of Dallas	AR, LA, MS, NM, TX	12.782
FHLB of Topeka	CO, KS, NE, OK	4.908
FHLB of San Francisco	AZ, NV, CA	20.172
FHLB of Seattle	AK, GU, HI, ID, MT, OR, UT, WY, WA	4.066
Total		78.783

See the **"DATES"** section above for the open application periods and the final deadlines for 1990 applications.

Applications will only be accepted from members of the Federal Home Loan Bank System; the Federal Home Loan Banks do not make direct loans to borrowers.

D. Request for Public Comment

The Board requests public comments and suggestions on a wide range of affordable housing and community-oriented lending issues. Broad public participation will assist the Board in: (1) Preparing the final regulations for the Program; (2) designing other proposed regulations for community-oriented lending programs; and (3) developing programs to finance affordable housing in our nation's communities and neighborhoods. The list of issues and questions below is not exclusive; comments are requested on any issues and policy questions related to the operation and structure of the Program.

The Board specifically seeks comments on:

—Whether additional objectives should be included in the scoring system and whether the relative weights assigned to the various objectives are appropriate.
—The 28 percent of income criterion for calculating the maximum subsidy.
—Whether the regulation should also set a maximum basis point limitation or alternative limitations on the subsidies.
—How the Program and community-oriented lending initiatives can be best coordinated.
—Reports the Board should require of Banks and members to facilitate analysis and oversight.
—Monitoring issues.
—Offering the Program more than twice a year. Given the variance in the funds available by district, how the money should be allocated among offerings.

The Board also seeks comment on the general areas of:

—How can the Board and the Banks ensure that the Program reaches those that need it most?
—What are the best techniques to leverage Program subsidies?
—What local, state, and federal housing programs are best suited to be used in tandem with the Program?
—What new and innovative programs for affordable housing development and ownership should the Board consider?
—Are there projects or lending techniques that the Program should avoid or prohibit?
—How should the Board and the Banks preserve the long-term affordability of housing subsidized by the Program?
—What steps should be taken to foster neighborhood stability and manageable growth?

Administrative Procedure Act

The Board is adopting this regulation as an interim final rule effective on publication in the **Federal Register** without the usual notice-and-comment period or delayed effective date provided for in the Administrative Procedure Act, 5 U.S.C. 553. Those requirements may be waived for "good cause." 5 U.S.C. 553(b)(3)(B), 553(d)(3). A nationwide crisis in housing currently exists, to which Congress has responded by mandating this Program, to ensure decent, affordable housing and a suitable living environment to the large numbers of families and individuals. The Board finds that good cause exists because of the necessity of beginning the Program following its establishment by the enactment of FIRREA, wherein the Program definitions, funding, priorities, and restrictions are all expressly stated. In FIRREA, Congress specifically charged the Federal Home Loan Banks to "help the most critical community investment and affordable housing needs through utilization of special cash advance programs." H.R. Conf. Rep. No. 222, 101st Cong., 1st Sess. 429 (1989). Providing notice and comment procedures and a delayed effective date would be impractical and contrary to the public interest because the Board could not immediately discharge its statutory responsibilities. The Board also notes that 1990 Program funds will not be exhausted prior to the receipt and analysis of public comment.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for these regulations, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply.

List of Subjects in 12 CFR Part 960

Credit, Federal home loan banks, Housing, Reporting and recordkeeping requirements.

Accordingly, the Board hereby amends chapter IX, title 12, Code of Federal Regulations, by adding a new subchapter E, consisting of part 960, as set forth below.

SUBCHAPTER E—AFFORDABLE HOUSING

PART 960—AFFORDABLE HOUSING PROGRAM

Sec.

Authority: Sec. 1, 47 Stat. 725, as amended (12 U.S.C. 1421 *et seq.*); sec. 10, 47 Stat. 731, as amended (12 U.S.C. 1430); sec. 21B, as

added by sec. 511, 103 Stat. 394 (12 U.S.C. 1441b).

§ 960.1 Definitions.

(a) *Advances* means extensions of credit to members under the Federal Home Loan Bank System Credit Program subject to this part 960 and 12 CFR part 935.

(b) *Affordable for very-low income households* means that monthly housing expense charged to tenants for units made available for occupancy by very-low income households shall not exceed 30 percent of the adjusted gross income of a very low-income household.

(c) *Area* means a metropolitan statistical area, a county, or a nonmetropolitan area, as established by the Office of Management and Budget.

(d) *Community or non-profit organizations* means private, not-for-profit community-based organizations committed to serving community housing and development needs of very low-, low- and moderate-income households.

(e) *Cost of funds* means the estimated cost of raising Bank consolidated obligations as published from time to time by the Federal Home Loan Bank System's Office of Finance, with maturities comparable to those of the subsidized advances.

(f) *Low- and moderate-income households* means any household for which the aggregate income is eighty percent (80%) or less of the area median income.

(g) *Median income* means the median income for an area as determined and published by the United States Department of Housing and Urban Development.

(h) *Member* means an institution admitted to membership in a Federal Home Loan Bank ("Bank").

(i) *Net earnings of a Bank* means the net earnings of a Bank for a calendar year after deducting the Bank's *pro rata* share of the $300 million annual contribution to REFCORP.

(j) *Program* means the Affordable Housing Program established by this part.

(k) *Subsidy* means the direct cash payment to the Program or the net present-value of the foregone cash flows to the Bank from making funds available under the Program at rates below the cost of funds.

(l) *Very low-income households* means households for which the aggregate income is fifty percent (50%) or less of the area median income.

§ 960.2 Establishment of program.

(a) It is the policy of the Board and the Banks to promote decent and safe affordable housing and to address critical affordable housing needs through the use of subsidized advances, direct subsidies, and other assistance to members.

(b) Each Bank's board of directors should adopt an implementation plan consistent with FIRREA and these regulations to provide subsidized advances, direct subsidies, or other assistance to members engaged in long-term lending that provides owner-occupied and rental housing affordable to very low-, low- and moderate-income households. A copy of the plan shall be submitted to the Board prior to the end of the application period defined in § 960.4 of this part.

§ 960.3 Use of subsidized advances and direct subsidies.

(a) *General.* (1) Funds under each Bank's Program shall be used to provide subsidized assistance to members engaged in lending for activities eligible to receive subsidized assistance pursuant to the provisions of section 10(j) of the Act and this part. Subsidized advances made under the Program shall be consistent with the provisions of the Act and the regulations applicable to advances in general contained in 12 CFR part 935 except to the extent modified by this part. Direct subsidies and other assistance provided to members shall comply with the provisions of this part.

(2) In making extensions of credit under the Program, members shall use prudent, flexible, and innovative underwriting standards. Members shall maintain safe and sound lending practices consistent with the requirements of their primary regulator, designed to return a profit, but will be encouraged and assisted in funding qualified projects that do not meet customary or existing secondary mortgage market requirements or for which no secondary market exists. The Board and the Banks shall encourage and assist the development of new secondary markets for projects funded by the Program.

(b) *Authorized uses.* All members receiving subsidized advances, direct subsidies, and other assistance from a Bank shall use the proceeds of such subsidies and the benefits of such assistance to:

(1) Finance the purchase, construction, and/or rehabilitation of owner-occupied housing for very low-, low- and moderate-income households; or

(2) Finance the purchase, construction, and/or rehabilitation of rental housing, at least twenty percent (20%) of the units of which will be occupied by and affordable for very low-income households for the remaining useful life of such housing or the mortgage term.

(c) Each Bank shall ensure that the preponderance of subsidies provided by the Bank is ultimately received by very low-, low- and moderate-income households in its District.

§ 960.4 Applications for funding.

(a) The Program is based on annual or semiannual District-wide competitions administered by the Board. In case of semiannual offerings, the initial Program funding during the first half of the calendar year, shall not exceed 60 percent of the Program funds for the year; the balance of the Program funds shall be offered and available during the second half of the calendar year. Each Bank shall notify its members of the amount of the annual Program funds available for the District, whether funding will be on an annual or semiannual basis, and begin accepting applications for Program funds by January 15 (and again by July 15 for semiannual offerings) of each year. The Board will also publish a list of each Bank's available funds under the program. The deadline for submitting applications to the Bank will be 45 days later. Those applications receiving the highest ratings will be forwarded by the Bank to the Board not later than 45 days after the close of the application period. The Board will announce the final funding decision within 30 days thereafter. For 1990, the application deadline is May 1, 1990. The amount of funding for each District will be based on the amount contributed by each Bank in accordance with Section 960.10 of this part.

(b) Each member shall include in its application for a subsidized advance, direct subsidy, or other assistance:

(1) A concise description of the purpose for the request, its relationship to the Program's priorities identified in § 960.5(b), and its consistency with the criteria identified in §§ 960.5(c), 960.5(d) and 960.5(e);

(2) A description of the feasibility of the project, including the local market conditions justifying the project;

(3) The qualifications of the sponsor;

(4) The calculation for the subsidy requested;

(5) An explanation of how the member intends to monitor and report the use of any subsidy or other assistance provided by the Bank including an explanation of how the structure of the project ensures that a preponderance of the assistance is ultimately received by the targeted groups;

(6) A certification that the subsidy received by the project will not exceed

the maximum allowable under this program and an explanation of how any excess subsidy will be recaptured; and,

(7) A certification that the subsidy or other assistance shall only be for authorized uses.

§ 960.5 Project scoring and funding.

(a) *General.* (1) Each Bank will evaluate by the due date all applications received from its members that satisfy the use provisions identified in § 960.3(b). Projects should first be evaluated regarding their feasibility including the ability of the member to qualify for an advance to fund the project.

(2) Feasible projects that meet at least three of the priorities identified in paragraph (b) of this section shall be grouped and rated before projects that meet fewer than three of the priorities. Each Bank will then rank the projects within the first group (i.e., those meeting at least three priorities) based on the criteria contained in paragraphs (c), (d), and (e) of this section. Projects in the second group will be rated if there are insufficient applications in the first group.

(3) The total possible score a project may receive is 100 points. The maximum numerical score that a Bank may assign any project meeting the criterion identified in paragraph (c) of this section is 25 points, in paragraph (d) of this section is 15 points per criterion, and in paragraph (e) of this section is 10 points per criterion. In determining the number of points to award a project for any given criterion, the Bank should evaluate each proposed project relative to the other proposals received by the Bank, with the project best achieving the criterion receiving the highest point score for that criterion and the remaining projects scored on a declining scale.

(b) *Priorities.* Projects meeting at least three of the following objectives shall have priority for funding:

(1) Projects that finance the purchase, construction, and/or rehabilitation of owner-occupied homes for very low, low- and moderate-income households in that priority order; or

(2) Projects that finance the purchase, construction, and/or rehabilitation of rental housing, at least twenty percent (20%) of the units of which will be occupied by and affordable for very low-income households for the remaining useful life of such housing or the mortgage term; or

(3) Projects that finance the purchase and/or rehabilitation of housing owned or held by the United States Government or any agency or instrumentality of the United States including those held by the U.S. Department of Housing Urban Development, the Resolution Trust Corporation, Farmers Home Administration, Veterans Administration, Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation; or

(4) Projects that finance the purchase, construction, and/or rehabilitation of housing, which is sponsored by any nonprofit organization, any state or political subdivision of any state, any local housing authority, or state housing agency;

(5) Projects that empower the poor through resident management, urban homesteading and similar programs;

(6) Projects that promote fair housing; or

(7) Projects that provide permanent housing for the homeless.

(c) *25 Point Category—Consistency with Priorities.* To ensure consistency with the priorities identified in paragraph (b) of this section, projects that achieve the greatest number of priorities or achieve more than one goal in a superior manner shall be awarded the most points in this category.

(d) *15 Point Category*—(1) *Targeting.* To encourage the flow of Program resources to households with incomes below the statutory maximums, the Bank will consider the extent to which the project targets households below the statutory maximums. The most points should go to projects serving the greatest number of very-low income households.

(2) *Long-term Retention.* To promote the continued availability of housing affordable for very low, low- and moderate-income households, the Bank will consider the extent to which the project facilitates the maximum retention of such housing as evidenced through the existence of long-term guarantees, covenants, and similar techniques. The Bank will evaluate the type of assurances and the number of units and years for which these assurances are given.

(3) *Effectiveness.* To ensure that the Program resources help the greatest number of households, the Bank will consider how effectively the project uses the Program subsidy dollars. Within this context, effectiveness should be measured by the number of units to be built or rehabilitated, or mortgages to be granted per Program subsidy dollar. A higher ratio reflects a more effective use of the subsidy dollars. To the extent a project is able to attract and efficiently use other sources of funds, (i.e., leverage the Program dollars) this will be reflected in the effectiveness ratio.

(e) *10 Point Category*—(1) *Community Involvement.* To be successful, most projects will need the support of the community in which the project is being proposed. Therefore, to encourage and facilitate the involvement of community interest groups in addressing the housing needs of the targeted groups, the Bank will consider the extent to which a project involves non-profit and community organizations, other than as sponsors, the breadth of community interests represented by the groups, and the extent to which the group is local in nature. More points should be given to projects that involve local groups representing a broad range of community interests.

(2) *Community Stability.* While the Program is designed to promote affordable housing, it should not do so at the expense of the households in the community being served. Therefore, the Bank shall evaluate the extent to which a project preserves community stability by minimizing the displacement of very low-, low- and moderate-income households and the extent to which the project serves existing very-low, and low- and moderate income members of the community.

(3) *Innovation.* To encourage innovation in providing affordable housing for very low-, low- and moderate income households, the Bank will consider the extent to which the project involves a particularly new or unusual approach for meeting the housing needs of these groups. In assessing a project under this criterion, the Bank will consider the degree to which the sponsor demonstrates that the project uses an innovative approach that holds promise of successfully meeting the housing needs of these groups. The Bank should consider both nonfinancial and financial innovation in providing affordable housing.

(f) (1) After the Bank has evaluated applications from members pursuant to this section, the Bank shall forward to the Board for final funding consideration applications from those projects receiving the highest overall rankings. To ensure an adequate pool of projects for Board consideration, each Bank shall forward to the Board the highest ranking projects sufficient to exhaust the funds available to the Bank under the Program plus the next four highest-ranking projects. If in the Board's opinion there is an insufficient number of applications from any Bank, the Board may request that the Bank submit to the Board for review additional eligible applications.

(2) The Bank shall also submit a summary of each project forwarded to the Board. The summary shall:

(i) Briefly describe the project;
(ii) Indicate the amount of subsidy requested;
(iii) Describe how the member and Bank will monitor the project;
(iv) Describe the provisions for recapture of the subsidy, if necessary; and
(v) State the reason for the points awarded for each of the enumerated objectives.
(3) The Board will review the applications submitted from each Bank to ensure consistency with the Program's stated goals, priorities, and objectives. Based on this review and the rankings submitted by the Banks, the Board will make a final funding decision.

§ 960.6 Reporting requirements.

(a) Each Bank shall provide reports and documentation concerning the Program as the Board may from time to time request.
(b) To meet Board requests for reports and documentation, each Bank shall require members that receive a subsidy to file periodic reports with such Bank continuing until the subsidy has been fully used or repaid by the member. Reports shall, at a minimum, state the manner in which the member has used the proceeds of the subsidy and shall include a certification that the subsidy has been passed through by the member to the borrower. Reports shall be supported by appropriate underlying documentation.
(c) Each Bank will require the boards of directors of members receiving subsidies to report to the Bank on their use at least annually and to certify that the subsidy has been passed through to the borrower. Reports shall be supported by underlying documentation.
(d) Each Advisory Council established under this Part shall submit to the Board by January 31, 1991, and each subsequent year its analysis of the low-income housing activity of the Bank by which it is appointed.

§ 960.7 Monitoring.

(a) The Board shall have the responsibility and authority to monitor, audit, and review Bank and member compliance with the Program requirements of the Act, this Part, and other applicable laws and regulations. The Board shall, in its discretion, use all necessary resources, including Office of Inspector General and Office of General Counsel personnel, Program support staff, and specialized contractors.
(b) Each Bank shall monitor, audit, and review its Program and member Program projects and lending to guarantee full compliance.
(c) The Board and the Banks, at a minimum, shall audit the following Program elements:
(1) Bank contributions, subsidy calculations, pricing, development, promotion, marketing, and compliance.
(2) Member project development, subsidy delivery, loan pricing (including mark-up, fees, and terms), community involvement, oversight, and innovative approaches to financing affordable housing.
(d) Monitoring of Program performance and compliance shall be by audits of applications and supporting documentation, loan-record analysis, specialized reporting, data gathering, site inspections, and such other techniques determined by the Board as necessary to detect and eliminate violations, fraud, mismanagement, and dissipation of Program assets.
(e) Miscalculations, errors, and violations of Program guidelines identified by the Board or a Bank shall be corrected immediately. In cases where subsidies have been improperly received, the Bank shall recover the subsidy amount, with penalties and interest if appropriate, in accordance with § 960.8 of this part. Other violations of the Act, this part, or other laws and regulations shall be referred to the Board, the Bank, and other agencies of competent jurisdiction for criminal prosecution or civil recovery.

§ 960.8 Recapture.

(a) A member shall notify the Bank immediately upon receiving information that the proceeds of a subsidized advance or other subsidized assistance granted by the Bank to the member will not be or are no longer being used for the purposes approved by the Bank and the Board. The member shall not advance any further subsidized funds. Furthermore, the amount of committed but unused subsidy or improperly used subsidy shall be recovered and made available by the Bank for future projects.
(b) In recapturing unused or improperly used subsidies, the Bank shall, at its discretion, take any or all of the following actions:
(1) Reprice the advance at the interest rate charged to members on non-subsidized advances of comparable type and maturity at the time of the original advance;
(2) Call the advance;
(3) Assess a prepayment penalty;
(4) Require the member to reimburse the Bank for the amount of the subsidy remaining on the advance or other assistance.
(c) To preclude potential windfall profits on the premature sale of rental housing where a Program subsidy has already been fully used to develop or rehabilitate the property, the member shall agree, in the event of such a sale, to:
(1) Provide the Bank with evidence that the sales contract includes a provision that the rental housing will continue to be used for the purpose originally intended; or
(2) Agree to reimburse the Bank an amount equal to the *pro rata* subsidy value considered to have been realized by the seller as profit, based upon the amount of the subsidy and the remaining term of the project as originally proposed.

§ 960.9 Maximum subsidy.

(a) A Bank shall not offer subsidized advances and other subsidized assistance to members in excess of that amount needed to reduce the monthly housing cost for the targeted household to 28 percent of the household's gross monthly income.
(b) A member receiving a subsidized advance shall extend credit to qualified borrowers at an effective rate of interest discounted at least to the same extent as the subsidy granted to the member by the Bank.

§ 960.10 Annual contributions.

(a) Each Bank shall fund its Program in accordance with the following formula:
(1) On January 1 of 1990, 1991, 1992, and 1993, the greater of:
(i) 5 percent of the Bank's net income for the previous year (as defined in § 960.1(i) of this part); or
(ii) That Bank's *pro rata* share of an aggregate of $50 million to be contributed in total by the Banks. Such proration shall be made on the basis of the net income of the Banks for the previous year.
(2) On January 1 of 1994, the greater of:
(i) 6 percent of the Bank's net income for the previous year; or
(ii) That Bank's *pro rata* share of an aggregate of $75 million to be contributed in total by the Banks, such proration being made on the basis of the net income of the Banks for the previous year.
(3) On July 1 of 1995 and each year thereafter, the greater of:
(i) 10 percent of the Bank's net income for the previous year; or
(ii) That Bank's *pro rata* share of an aggregate of $100 million to be contributed in total by the Banks such proration being made on the basis of the net income of the Banks for the previous year.

(b) Funding sources for subsidized advances and subsidies under the Program shall be at the discretion of each Bank.

§ 960.11 Temporary suspension of contributions.

(a) If making the contributions required by § 960.10 of this part will lead to the financial instability of a Bank, the Bank shall notify the Board as soon as it learns of the problem. The Bank may apply for a temporary suspension of Program contributions. The application for the temporary suspension shall be in writing and shall be accompanied by the Bank's preceding year's annual report, if available, and the Bank's most recent quarterly and monthly financial statements. In addition, the application shall state the period of time for which the Bank seeks a suspension and shall include a plan for returning the Bank to a financially stable position.

(b) In reviewing a Bank application for temporary suspension of contributions, the Board shall consider the following factors and financial data:

(1) The extent to which the Bank's quarterly or annual net income has decreased from the preceding quarter or year and whether such decline is projected to continue;

(2) The extent to which the Bank's paid-in membership capital has declined in any given quarter or year and whether such decline is projected to continue;

(3) The extent to which the Bank's level of advances has declined in any given quarter or year and whether such decline is projected to continue;

(4) Other financial conditions, which, in the opinion of the Bank's board of directors, have resulted, or are likely to result in the financial instability of the Bank; and

(5) The financial data submitted by the Bank in support of its application.

(c) The Board shall disapprove an application for a temporary suspension if it determines that a Bank's financial instability is a result of:

(1) A change in the terms of advances (other than subsidized advances) not justified by market conditions;

(2) Inordinate operating and administrative expenses;

(3) Operation of the Bank in a manner contrary to accepted banking practices for the Banks;

(4) Mismanagement; or

(5) If for any other reason the temporary suspension is not warranted.

(d) Within thirty (30) days after receipt of a written application made pursuant to paragraph (a) of this section, the Board shall approve or disapprove such application in writing. The Board's decision shall be accompanied by specific findings and reasons for its action and shall state the time period for any temporary suspension. A copy of the decision shall be forwarded to the Congress as provided in paragraph (g) of this section and a copy forwarded to each Bank.

(e) During the term of a temporary suspension approved by the Board, the affected Bank shall provide to the Board such financial reports as the Board shall require to monitor the financial condition of such Bank. If, in the opinion of the Board, a Bank has returned to a position of financial stability prior to the conclusion of the temporary suspension period, the Board may, upon written notice to the Bank, terminate such temporary suspension.

(f) A Bank may apply for an extension of a temporary suspension when such Bank's board of directors determines that the Bank has not, or is not likely to, return to a position of financial stability at the conclusion of the temporary suspension. A request for an extension is to be in written form and shall be approved or disapproved by the Board within twenty (20) days of receipt. The Board's decision to approve or disapprove a request for an extension shall be accompanied by specific findings and reasons for its actions and shall state the effective date and time period of any extension. A copy of such decision shall be forwarded to the Congress as provided in paragraph (g) of this section and a copy forwarded to each Bank.

(g) The Board shall notify the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate of any temporary suspension and any extension of a temporary suspension. A temporary suspension may not take effect until at least sixty (60) days after the Board gives the notice of its action required by this section. An extension of a temporary suspension may not take effect until at least thirty (30) days after the Board gives the notice of its action required by this section. Such suspension or extension shall become effective as determined by the Board unless a joint resolution of Congress is enacted, prior to the Board's determined effective date, disapproving such suspension.

§ 960.12 Unused contributions.

If a Bank fails to use or commit the amount it is required to contribute to the Program pursuant to § 960.11 of this part in a given year, ninety percent (90%) of the amount that has not been used or committed in that year shall be paid over to the Affordable Housing Reserve Fund established and controlled by the Board. The ten (10) percent of the unused and uncommitted amount retained by a Bank should be fully utilized or committed by that Bank during the following year and any remaining portion must be deposited in the Affordable Housing Reserve Fund.

§ 960.13 Affordable Housing Reserve Fund.

(a) No later than January 15 of each year, each Bank shall provide to the Board, a statement indicating the amount of funds from the prior year, if any, which will be paid over to the Affordable Housing Reserve Fund.

(b) No later than January 31 each year, the Board will notify the Banks of the total amount available in the Affordable Housing Reserve Fund.

(c) Upon receipt of an application from a member, a Bank may apply to the Board for use of the available Reserve Funds. Such application shall only be made after the Bank has used or committed all of its current annual allocation to the Program. Such application shall state the amount of funds desired, the purpose of the advance to be made with such funds, and the subsidy to be made on the advance or other subsidized assistance. The application shall be accompanied by the written application of the member requesting a subsidy and shall be acted upon by the Board.

§ 960.14 Coordination.

The Board and the Banks shall coordinate activities under this part, to the maximum extent possible, with other Federal, State, or local agencies and non-profit organizations involved in affordable housing activities.

§ 960.15 Advisory Councils.

(a) Each Bank shall appoint an Advisory Council of 7 to 15 persons drawn from community and non-profit organizations actively involved in providing or promoting low- and moderate-income housing in its District. The Advisory Council shall meet with representatives of the board of directors of the Bank quarterly to advise the Bank on very low-, low- and moderate-income housing programs and needs in the District and on the use of subsidized advances, direct subsidies, and other assistance for these purposes. Each Advisory Council established under this § 960.15 shall submit to its Bank and the Board at least annually its analysis of the low-income housing activity of the Bank by which it is appointed.

(b) Advisory Councils shall be appointed by the Banks giving consideration to the size and diversity of the District, and the very low-, low- and moderate-housing needs of the District.

(c) The composition of the Advisory Council shall reflect the very low-, low- and moderate-income housing activities and needs within the District, as well as the full range of community and non-profit organizations' concerns. Local and state housing officials may serve as members of an Advisory Council, provided that such officials do not constitute an undue proportion of the membership.

(d) The nomination and selection process shall be as broad and as participatory as possible. Each Bank shall actively solicit nominations from community and non-profit organizations, allowing sufficient lead time for responses.

(e) Council members shall be paid travel expenses by the Banks, including transportation and subsistence, for each day devoted to attending meetings.

(f) Council members shall serve terms of 2 years, but the terms shall be staggered to provide continuity in experience and service to the Advisory Council. Banks may use one-year appointments in establishing new Councils, provided that all Banks include in the Advisory Council plans submitted pursuant to paragraph (i) of this section provisions for staggered terms beginning no later than January 1991 with one-half of the terms expiring each year.

(g) Each Council shall designate a member or request that a member of the Bank's staff be designated to act as Secretary of the Advisory Council. The Secretary shall record and maintain minutes of the meetings of the Council. Minutes of each meeting shall contain, among other things, a record of the persons present, a description of the matters discussed, and recommendations made. The person acting as Secretary at a meeting shall certify to the accuracy of the minutes of that meeting.

(h) Meetings of the Advisory Council shall be held at least once each quarter and may be held more frequently at the call of the Bank.

(i) By January 31, of each year each Bank shall submit to the Board for review a detailed plan for the operation of its Advisory Council during the year. Such plan shall be subject to review by the Board. Plans shall contain such information as the Board may from time to time require and shall be updated by each Bank as necessary.

Dated: February 26, 1990.

By the Federal Housing Finance Board.

Jack Kemp,

Chairman.

[FR Doc. 90-4726 Filed 3-1-90; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 16

Hydroelectric Relicensing Regulations Under the Federal Power Act

[Docket No. RM87-33-002; Order No. 513-B]

Issued: February 26, 1990.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Denying Rehearing.

SUMMARY: In response to Order No. 513-A, the Federal Energy Regulatory Commission (Commission) received a request for clarification from the Wisconsin Department of Natural Resources and a request for rehearing from the Edison Electric Institute.

In its request for clarification, Wisconsin suggests a possible inconsistency between the discussion of Indian tribes in the preamble and the Commission's regulations. After carefully reviewing the definition discussed in the preamble, the Commission finds that the definition in § 16.2(f)(4) uses the same language, and to the extent that there might be any inconsistency, the regulation is controlling.

The Edison Electric Institute request alleges that § 16.18(d) of the Commission's regulations is in conflict with relevant provisions of the Federal Power Act. Section 16.18(d) of the Commission's regulations simply states that the Commission "may" attach conditions to annual licenses if circumstances so warrant. Since the Commission will exercise these powers in a manner fully consistent with its legal authority, Edison's request for rehearing is denied.

EFFECTIVE DATE: February 26, 1990.

FOR FURTHER INFORMATION CONTACT: Ethel Lenardson Morgan, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Hearing Room A at the Commission's Headquarters, 825 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357-8997. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this order denying rehearing will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Hearing Room A, 825 North Capitol Street NE., Washington, DC 20426.

Before Commissioners: Martin L. Allday, Chairman; Charles A. Trabandt, Elizabeth Anne Moler and Jerry J. Langdon.

Order Denying Rehearing

The Commission received a request for clarification and a request for rehearing of Order No. 513-A.[1]

In a request for clarification, the Wisconsin Department of Natural Resources suggests a possible inconsistency between the background discussion on Indian tribes in the preamble and the definition at § 16.2(f)(4).[2] The section of the preamble quoted by Wisconsin, however, is taken from the preamble's description of the comments submitted by the U.S. Department of Commerce. For purposes of explaning the regulation adopted, the more relevant discussion in the preamble is the Commission's own views on this matter:

A definition of "Indian tribe" has been added to make clear what entities are entitled to participate in the pre-filing consultation process. The definition includes all Indian groups that are united under one governing body, inhabit a particular and distinct territory, and are appropriately recognized as Indian tribes by the United States. A nexus test is also included in the definition, so that consulted Indian tribes must have tribal (as distinct from individual or social) rights that are or have been affected by the project. In other words, where a project adversely affects the harvest of anadromous fish or is located within a

[1] Order on Rehearing, 55 FR at 4 (Jan. 2, 1990), III FERC Stats. & Regs. ¶30,869 (Dec. 26, 1989).

[2] 18 CFR 16.2(f)(4) (1989).

particular reservation to which an Indian tribe has treaty rights, that tribe would be able to participate in the pre-filing consultation process (footnotes omitted).[3]

The "nexus test" limits the consulted Indian tribes to those having "tribal rights that are or have been affected by the project." The definition in § 16.2(f)(4) uses this same language:

(4) Whose legal rights as a tribe may be affected by the development and operation of the hydropower project proposed, as where the operation of the project could interfere with the management and harvest of anadromous fish or where the project works would be located within the tribe's reservation.

Thus, we do not perceive any inconsistency between the regulation and the discussion of Indian tribes in the preamble. To the extent that there might be any inconsistency, the regulation is controlling.[4]

The Edison Electric Institute's (EEI) request for rehearing focusses entirely on § 16.18(d).[5] EEI asserts that this section is in conflict with relevant provisions of the Federal Power Act and misapprehends the decision in *Platte River Whooping Crane Critical Habitat Maintenance Trust* v. *FERC (Platte River)*.[6]

Section 16.18(d) merely states that the Commission may attach conditions to annual licenses if circumstances so warrant. In its entirety, § 16.18(d) provides as follows:

(d) In issuing an annual license, the Commission may incorporate additional or revised interim conditions if necessary and practical to limit adverse impacts on the environment.

Implicit in this sentence is that the Commission's conditioning powers will only be exercised in a manner fully consistent with the Commission's legal authority. This includes, *inter alia*, any necessary prerequisites, such as that the original license includes an appropriate reservation of authority to impose such interim conditions (or that the licensee agrees to them) and that the applicable evidentiary burden has been met. See the court's discussion of these matters in the Platte River opinion. EEI's request for rehearing of Order No. 513–A is denied as unnecessary.

By the Commission.

Lois D. Cashell,

Secretary.

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BILLING CODE 6717–01–M

[3] 55 FR at 12.

[4] Wisconsin characterizes § 16.2(f)(4) as establishing a "condition that must be met in order for Indian tribes to be included as an agency in the pre-filing consultation process." As we stated in the preamble,

We do not construe the tribes to be government agencies. However, to the extent that certain tribes have legally established responsibilities for the management of fish resources, we agree that they should participate fully in the pre-filing consultation process. (55 FR at 12).

[5] 18 CFR 16.18(d) (1989).

[6] 876 F.2d 109 (D.C. Cir. 1989).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 801

[Docket No. 87P–0033]

Medical Devices; Clarification of FDA's Policy on Labeling of Surgical Sutures; Exemption From the Prescription Labeling Requirements

AGENCY: Food and Drug Administration.

ACTION: Policy statement.

SUMMARY: The Food and Drug Administration (FDA) is clarifying its policy on labeling of surgical sutures. FDA is announcing that it is continuing its policy, followed for many years, that surgical sutures are exempt from the prescription labeling requirements of the Federal Food, Drug, and Cosmetic Act (the act) and the agency's regulations. FDA also is announcing that it is terminating its interim policy requiring certain surgical sutures to bear prescription labeling.

DATES: Effective May 1, 1990; comments by May 1, 1990.

ADDRESSES: Written comments on the termination of the interim policy to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Sheehan, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION: Section 502(f)(1) of the act (21 U.S.C. 352(f)(1) deems a device to be misbranded unless its labeling bears adequate directions for use. If this requirement for a device is unnecessary for the protection of the public health, section 502(f)(1) of the act also provides that FDA shall promulgate regulations exempting such device from such requirement.

At § 801.109 *Prescription devices* (21 CFR 801.109), the agency has promulgated regulations exempting certain devices from adequate directions for use, if conditions in 21 CFR 801.109 are met (i.e., § 801.109(a) through (e)). FDA believes that surgical sutures meet these conditions, thus, surgical sutures have for many years been exempt from adequate directions for use under 21 CFR 801.109.

One condition in § 801.109 that must be met for a device to be exempt from the labeling requirements of adequate directions for use is the prescription labeling requirement at paragraph (b), which states in part:

(b) The label of the device, other than surgical instruments, bears:

(1) The statement "Caution: Federal law restricts this device to sale by or on the order of a _____", the blank to be filled with the word "physician", "dentist", * * * or with the descriptive designation of any other practitioner licensed by the law of the State in which he practices to use or order the use of the device; and * * *

However, surgical instruments are explicitly excepted from this and the other prescription device labeling requirements of paragraph (b), requiring information relating to a device's method or application for use. Also, such sutures are not required to comply with 21 CFR 801.109(c), which identifies several labeling requirements, because, among other reasons, the hazards, warnings, and directions for use are commonly known by surgeons, who are the practitioners licensed by law to use the devices. Hence, directions for use and precautionary statements are not necessary under 21 CFR 801.109(c) for surgical sutures which are, nevertheless, exempt from adequate directions for use as prescription devices.

In a petition dated January 29, 1987 (Docket No. 87P–0033), the petitioner described several instances where, as part of CDRH's recent approval of a few applications for premarket approval (PMA) for surgical sutures, CDRH has required that the labeling of the surgical sutures subject to these PMA's bear prescription labeling. The petitioner requested that FDA find that all surgical sutures are exempt from the prescription legend labeling requirement in 21 CFR 801.109(b) or, in the alternative, amend 21 CFR 801.109(b) to explicitly exempt all surgical sutures from the requirement.

Accordingly, FDA is clarifying its policy regarding labeling of surgical sutures. FDA is announcing that the agency will continue its longstanding policy of exempting surgidcal sutures from the prescription labeling requirements in 21 CFR 801.109(b). Further, the agency is announcing that it is terminating its interim policy of requiring that certain surgical sutures subject to approved PMA's bear prescription labeling. FDA now believes

that its interim policy is inappropriate and should be abandoned.

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding FDA's continuation of its longstanding policy. Two copies of any comments are to be submitted, except individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments are available for public inspection in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dates: February 21, 1990.

Ronald G. Chesemore,

Associate Commission for Regulatory Affairs.

[FR Doc. 90-4720 Filed 3-1-90; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 61

RIN 1076-AC11

Preparation of Rolls of Indians

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is amending the regulations contained in 25 CFR part 61 governing the preparation of rolls of Indians. The Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987 directs the Secretary of the Interior to prepare a tribal membership roll in accordance with the regulations contained in 25 CFR part 61. The regulations in part 61 provide general enrollment procedures that can be made applicable to the preparation of a specific roll of Indians by amending the regulations to include the qualifications for enrollment and the deadline for filing applications for the particular roll. The BIA is amending part 61 by adding a paragraph (e) to § 61.4 to include the qualifications for enrollment and the deadline for filing applications so that the procedures contained in part 61 will govern the preparation of the tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians.

EFFECTIVE DATE: April 2, 1990.

FOR FURTHER INFORMATION CONTACT: Superintendent, Siletz Agency, Bureau of Indian Affairs, P.O. Box 539, Siletz, Oregon 97380, telephone number: (503) 444-2679 (FTS 423-4111).

SUPPLEMENTARY INFORMATION: The authority to issue these rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 2 and 9; and Pub. L. 100-139. This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in the Departmental Manual at 209 DM 8.

The Cow Creek Band of Umpqua Tribe of Indians was awarded judgment funds in docket numbered 53-81L by the United States Claims Court. Funds to satisfy the award were appropriated by Congress. The Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of October 26, 1987, Pub. L. 100-139 (Judgment Act), authorized the use and distribution of the judgment funds.

Section 5 of the Judgment Act, which amended the Cow Creek Band of Umpqua Tribe of Indians Recognition Act of December 29, 1982 (Recognition Act), directs the Secretary to prepare a tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians in accordance with the regulations contained in 25 CFR part 61. The Act further directs that the tribal membership roll be published in the **Federal Register.**

A proposed rule to amend the regulations contained in part 61 to include the qualifications for enrollment and the deadline for filing applications for the tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians was published for public comment in the **Federal Register** on Friday, June 3, 1988, 53 FR 20335. An editorial correction was published in the **Federal Register** on Wednesday, June 29, 1988, 53 FR 24551.

Subsequently, language was included in the Fiscal Year 1989 Interior Appropriations Act of September 27, 1988, Pub. L. 100-446, to amend the Cow Creek Band of Umpqua Tribe of Indians Recognition Act. The amendment to the Recognition Act affected the qualifications for enrollment on the tribal membership roll that were in the proposed rule published in the **Federal Register** on June 3, 1988. Because the effect of the amendment was significant, the BIA again published a proposed rule to amend the regulations contained in part 61 for public comment which reflected the new statutory language. The proposed rule was published in the **Federal Register** on Tuesday, October 31, 1989, 54 FR 20335.

To establish eligibility for enrollment the amendment to part 61 requires all persons to file or have filed on their behalf an application form with the Superintendent, Siletz Agency, Bureau of Indian Affairs, by the deadline specified in § 61.4(e)(2). Applications received after that date will be rejected for failure to file on time regardless of whether the applicants otherwise meet the qualifications for enrollment. A 60-day filing period from the effective date of the rule has been provided as was published in the proposed rule. No comments were received concerning the length of the filing period. Consequently, no change has been made.

It should be noted the Judgment Act does provide that after completion and publication in the **Federal Register**, membership in the Cow Creek Band of Umpqua Tribe of Indians shall be limited to persons listed on the tribal membership roll being prepared and their descendants. However, the Judgment Act further provides that the Cow Creek Band of Umpqua Tribe of Indians, at its discretion, may subsequently grant tribal membership to any person of Cow Creek Band of Umpqua ancestry who under tribal procedures applies to the tribe for membership and is determined to meet the tribal requirements for membership.

In addition to general public notice, to provide actual notice of the preparation of the roll to as many potentially eligible beneficiaries as possible, the Superintendent, Siletz Agency, Bureau of Indian Affairs, shall send notices in accordance with § 61.5(c) to all persons whose names appear on the so-called Interrogatory No. 14 roll at their last available address. The notice shall advise individuals of the preparation of the roll and the relevant procedures to be followed, including the qualifications for enrollment and the deadline for filing application forms. It should be noted, however, that the ability of the Superintendent to send notices will be dependent upon the availability of addresses furnished either by the individuals or the tribe for the individuals listed on the so-called Interrogatory No. 14 roll. An application form will be mailed with each notice.

The regulations in part 61 provide general enrollment procedures and contain provisions which are not applicable in the preparation of all rolls. As a matter of clarification, because the BIA is preparing a tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians under this amendment, review of the applications by tribal authorities under § 61.10 will be applicable to provide for maximum tribal participation in the enrollment process.

The primary author of this document is Kathleen L. Slover, Tribal Enrollment

Specialist, Division of Tribal Government Services, Mail Stop 4627 MIB, Bureau of Indian Affairs, 18th and C Streets, NW., Washington, DC 20240.

Comments and Changes

The period for commenting on the proposed amendment to 25 CFR part 61 to add paragraph (e) to § 61.4 to include the qualifications for enrollment and a deadline for filing applications for the tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians closed on November 30, 1989. Comments were received from 19 individuals within the public comment period. An additional 12 individuals submitted comments which were received after the November 30, 1989, deadline. Although the comments received after the deadline cannot be considered, it is significant to note that none of the comments received after the deadline suggested any additional changes not addressed in the comments that were received within the period for public comment.

The majority of the commenters expressed opposition to not requiring all individuals to establish Cow Creek Indian ancestry to establish eligibility for enrollment on the membership roll of the Cow Creek Band of Umpqua Tribe of Indians. Section 5 of the Judgment Act states that the Secretary is to prepare a tribal membership roll comprised of "Indian individuals" who were not members of any other federally recognized Indian tribe on July 30, 1987, and (1) who are named on the tribal roll dated September 13, 1980 (the so-called Interrogatory No. 14 roll); (2) who were born on or prior to October 26, 1987, and descendants of persons named on the so-called Interrogatory No. 14 roll; or (3) who are descendants of persons considered to be members of the Cow Creek Band of Umpqua Tribe of Indians for the purposes of the treaty entered between such Band and the United States on September 19, 1853.

The Department had concluded that the enrollment requirements stated in the Judgment Act were ambiguous. In particular it was not clear what was meant by "Indian individuals" in the context of the Judgment and Recognition Acts. Consequently, the proposed rule published on June 3, 1988, to govern the preparation of the tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians required all persons, including those whose names appeared on the so-called Interrogatory No. 14 roll and their descendants, to establish that they were of Cow Creek Indian ancestry to qualify for enrollment.

During Congressional consideration of the Fiscal Year 1989 Interior Appropriations Act, disapproval of the BIA's interpretation was expressed and the Secretary was directed to revise the proposed rule to include all members on the so-called Interrogatory No. 14 roll who satisfy basic Indian ancestry requirements. Accordingly, the Fiscal Year 1989 Interior Appropriations Act amended the Recognition by striking out "Indian individuals" and inserting "Cow Creek descendants or other Indian individuals."

As was discussed in the preamble to the proposed rule published on October 31, 1989, as a result of the amendment to the Recognition Act, the BIA determined that when Congress recognized the Cow Creek Band of Umpqua Tribe of Indians, it was recognizing the tribe and its members, irrespective of their tribal affiliation, rather than a tribe comprised exclusively of Cow Creek descendants. Further, when Congress restored the Cow Creek Band of Umpqua Tribe of Indians, it was restoring not only the tribe, but individual members, i.e., those persons named on the so-called Interrogatory No. 14 roll and their descendants. Consequently, "other Indian individuals" named on the so-called Interrogatory No. 14 roll and their descendants, irrespective of their tribal affiliation, have been effectively restored and may "satisfy basic Indian ancestry requirements."

Given the actions by Congress in this matter, it would be inappropriate and contrary to congressional intent for the BIA to require all persons, including those named on the so-called Interrogatory No. 14 roll and their descendants, to establish Cow Creek Indian ancestry to qualify for enrollment on the membership roll of the Cow Creek Band of Umpqua Tribe of Indians. Therefore, no changes have been made to the rule from what was proposed on October 31, 1989.

Some of the commenters stated that all persons should be required to submit applications to the Superintendent, Siletz Agency, BIA, to establish eligibility for enrollment and that the Superintendent should handle the applications. As the proposed rule was published on October 31, 1989, all persons are required to file applications with the Superintendent, Siletz Agency, BIA, by the deadline specified in § 61.4(e)(2) to establish eligibility. Because this is a membership roll the applications will be submitted to the tribe for review and recommendations. Although the regulations provide for the BIA official to accept the recommendations of the tribal officials, unless clearly erroneous, it will ultimately be the Superintendent, Siletz Agency, who will make the initial determinations of eligibility on all applications for enrollment. We believe the procedures as proposed provide adequate safeguards to insure individuals are treated fairly and equitably. Consequently, no changes have been made to the rule from what was proposed on October 31, 1989.

One of the commenters suggested that the Indian census roll of 1937 and the Indian census roll of 1940 be referenced in the final rule. It is not clear what the commenter intended by this suggestion. Both the 1937 and the 1940 census rolls referred to are official BIA records. Under § 61.9, Burden of Proof, the regulations contained in part 61 provide that "[r]ecords of the Bureau of Indian Affairs may be used to establish eligibility." Other records of the BIA can also be used to establish eligibility. Consequently, we find no need to make reference to the 1937 and 1940 census rolls for the records to be acceptable and no reason to attach any special significance by making reference to them. Therefore, no changes have been made to the rule from what was proposed on October 31, 1989.

Finally, one of the commenters pointed out that the date of the treaty as shown in § 61.4(e)(1)(iii) of the proposed rule was in error. The date of the treaty entered between the Cow Creek Band and the United States was September 19, 1853, and not September 18 as erroneously published. Accordingly, the date has been corrected in the final rule. No other changes have been made to the rule from what was proposed on October 31, 1989.

Paperwork Reduction Act

The Office of Management and Budget has informed the Department of the Interior that the information collection requirements contained in this part 61 need not be reviewed by them under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

Executive Order 12291

The Department of the Interior has determined that this is not a major rule under E.O. 12291 because only a limited number of individuals will be affected and those individuals who are determined eligible to be enrolled on the tribal membership roll will be participating in the programs of one tribal entity funded by a relatively small judgment award granted the Cow Creek Band by the United States Claims Court.

Compliance With Other Laws

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities

within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because of the limited applicability as stated above.

The Department of the Interior has determined that this rule is not a major Federal action significantly affecting the quality of the human environment and that neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 25 CFR Part 61

Indians—claims, Indians—enrollment.

Accordingly, part 61 of subchapter F of chapter I of title 25 of the Code of Federal Regulations is amended as shown.

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

Authority: 5 U.S.C. 301; 25 U.S.C. 2 and 9; 25 U.S.C. 1401 et seq., as amended; Pub. L. 100–139; Pub. L. 100–580.

2. Section 61.4 is amended by adding a new paragraph (e) to read as follows:

§ 61.4 Qualifications for enrollment and the deadline for filing application forms.

* * * * *

(e) *Cow Creek Band of Umpqua Tribe of Indians.* (1) Pursuant to section 5 of the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of October 26, 1987, Pub. L. 100–139, a tribal membership roll is to be prepared comprised of all persons who are able to establish that they are of Cow Creek or other Indian ancestry indigenous to the United States based on any rolls or records acceptable to the Secretary and were not members of any other Federally recognized Indian tribe on July 30, 1987; and:

(i) Who are named on the tribal roll dated September 13, 1980, the so-called Interrogatory No. 14 roll;

(ii) Who are descendants of individuals named on the tribal roll dated September 13, 1980, the so-called Interrogatory No. 14 roll, and were born on or prior to October 26, 1987; or

(iii) Who are descendants of individuals who were considered to be members of the Cow Creek Band of Umpqua Tribe of Indians for the purposes of the treaty entered between such Band and the United States on September 19, 1853.

(2) Application forms for enrollment must be filed with the Superintendent, Siletz Agency, Bureau of Indian Affairs, P.O. Box 539, Siletz, Oregon 97380 by June 1, 1990. Application forms filed after that date will be rejected for inclusion on the tribal membership roll for failure to file on time regardless of whether the applicant otherwise meets the qualifications for enrollment.

* * * * *

Eddie F. Brown,

Assistant Secretary, Indian Affairs.

[FR Doc. 90–4774 Filed 3–1–90; 8:45 am]

BILLING CODE 4310–02–M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 215

Withholding of District of Columbia, State, City and County Income or Employment Taxes by Federal Agencies

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: The Department of the Treasury is correcting an error in the statutory citation which appeared in the Federal Register on February 2, 1990 (55 FR 3590).

FOR FURTHER INFORMATION CONTACT: Charles Singleton, Financial Management Service, Room 330B, 401 14th Street, SW., Washington, DC 20227 (202) 287–0335, (FTS) 287–0336.

The following correction is made in the statutory citation which appeared in the Federal Register on February 2, 1990 (55 FR 3590).

§ 215.2 [Corrected]

1. Section 215.2(h)(1)(ii), line 3 is corrected by changing the statutory reference to: "32 U.S.C. 502".

2. Section 215.2(i) lines 8 and 9 are corrected by changing the statutory reference to: "32 U.S.C. 502".

W.E. Douglas,

Commissioner.

[FR Doc. 90–4706 Filed 3–1–90; 8:45 am]

BILLING CODE 4810–35–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen Docket No. 87–389 FCC 90–72]

Operation of Radio Frequency Devices Without an Individual License

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This action responds to a petition for reconsideration of the Order Denying Petitions for Stay in Gen Docket No. 87–389, adopted June 16, 1989, FCC 89–210, by the Linear Corporation (Linear). Linear objects to the Commission's decision in that earlier order to not grant a stay of the provisions of section 15.33 of its rules. Linear presents no new information or analysis that warrants the Commission altering its earlier decision. Thus, the Commission is denying the petition from Linear.

EFFECTIVE DATE: March 2, 1990.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Engineering and Technology, (202) 653–7313.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order in Gen Docket No. 87–389, FCC 90–72, adopted February 12, 1990 and released February 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Summary of the Order

1. In the First Report and Order in this proceeding, 54 FR 17710, April 25, 1989, the Commission adopted a comprehensive revision of part 15 of its rules governing the operation of radio frequency devices without an individual license. In addition to various other changes to the rules, the Commission changed the frequency range over which radiated emissions from a device must be measured, as shown § 15.33. For many types of equipment, the frequency range over which radiated emissions must be measured was increased. This increase provides additional interference protection to authorized radio services operating at higher frequencies.

2. Linear, a manufacturer of control and security alarm devices, objected to the increase in the required range of measurement, filing a Motion for Stay. That motion was denied by the Commission on June 16, 1989, in an Order Denying Petitions for Stay, Gen Docket No. 87–389, FCC 89–210. Subsequent to that latter order, Linear filed a Petition for Partial Reconsideration, again seeking a stay of the increased range of measurements in § 15.33.

3. Linear asserts that the Commission failed to address all of the relevant portions of its earlier Motion for Stay. Specifically, Linear states that equipment operated under part 90 of the rules is subject to a less stringent limit on emissions above 2 GHz, thereby placing part 15 devices at a disadvantageous position. Further, the Commission's adoption of new standards prior to the implementation of its planned new test procedure places part 15 manufacturers at risk that equipment designed under the current test procedures will not be acceptable under the new procedures. Linear also continues to take exception to the use of the current test procedures and the method for calibrating test sites, when applied to making measurements above 2 GHz. Thus, Linear requests that the requirement to measure emissions above 2 GHz be stayed until six months following the effective date of the planned new test procedures.

4. The Commission finds no merit in Linear's argument that the new rules place the manufacturers of part 15 equipment at a competitive disadvantage relative to the manufacturers of part 90 equipment. Part 90 equipment is operated under a Commission-issued license using spectrum allocated for that purpose and with protection from interference. In contrast, part 15 devices operate under the conditions that no harmful interference is caused to the authorized radio services, any interference that is received must be accepted, and operators have no vested or recognizable rights to the continued use of any frequency. Further, there are no licensing or eligibility requirements for the use of part 15 devices. Thus, the part 15 and the part 90 rules are not intended to authorize similar types of equipment.

5. Linear's other arguments are essentially the same as those raised in its earlier Motion for Stay which was rejected by the Commission in its Order Denying Petitions for Stay. The Commission continues to believe that the current procedures used for testing equipment and for calibrating a test site are suitable over the frequency range specified in § 15.33. In addition, the proposed new test procedures were developed to provide additional clarity as to how the Commission measures radiated emissions and not because of any changes made to the standards. Further, as shown in § 15.29(d) of the rules, a subsequent change to the test procedures would not impact existing equipment.

6. In conclusion, we find that Linear has not produced any additional information showing that it will suffer irreparable harm, nor has Linear demonstrated that it is likely to prevail on the merits of its outstanding Petition for Reconsideration. We continue to believe that a stay of § 15.33 would delay unnecessarily our efforts to lower spectrum noise levels and would be to the detriment of the authorized radio services. Consequently, the public interest would not be served by granting Linear's request.

7. Based on the above and pursuant to the authority contained in sections 4(i), 302 and 303 of the Communications Act of 1934, as amended, *It is Ordered* that the Petition for Partial Reconsideration filed by Linear is denied.

List of Subjects in 47 CFR Part 15

Communications equipment, measurement standards, radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-4784 Filed 3-1-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-403; RM-5776, RM-6189, RM-6190]

Radio Broadcasting Services; Douglas, GA, et al.

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: This document substitutes Channel 222C2 for Channel 221A at Hinesville, Georgia, and modifies the license of Station WXLQ, Hinesville, Georgia, to specify operation on Channel 222C2. This document also allots Channel 223A to Douglas, Georgia. The reference coordinates for Channel 222C2 at Hinesville, Georgia are 31-42-01 and 81-23-26; and the reference coordinates for Channel 223A at Douglas, Georgia are 31-30-36 and 82-50-54. With this action, this proceeding is terminated.

DATES: Effective April 9, 1990; The window period for filing applications for Channel 223A at Douglas, Georgia will open on April 10, 1990, and close on May 10, 1990.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Second Report and Order, MM Docket No.89-4O3, adopted January 26, 1990, and released February 23, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Georgia, by removing Channel 221A and adding Channel 222C2 at Hinesville.

3. Section 73.202(b), the Table of FM Allotments, is amended under Georgia, by adding Channel 223A at Douglas.

Federal Communications Commission.

Douglas W. Webbink,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4792 Filed 3-1-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-315; RM-6662]

Radio Broadcasting Services; Spirit Lake, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Campus Radio Company, Inc., substitutes Channel 280C2 for Channel 280A at Spirit Lake, Iowa, and modifies its license for Station KUOO(FM) to specify the higher powered channel. Channel 280C2 can be allotted to Spirit Lake in compliance with the Commission's minimum distance separation requirements and can be used at the station's present transmitter site. The coordinates for this allotment are North Latitude 43-23-42 and West Longitude 95-06-59. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 12, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 89-315, adopted February 7, 1990, and released February 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under Iowa is amended by removing Channel 280A and adding Channel 280C2 at Spirit Lake.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4789 Filed 3-1-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-125; RM-6738]

Radio Broadcasting Services; Red Lodge, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 257C for Channel 258C1 at Red Lodge, Montana, in response to a petition filed by Beartooth Stereo FM. We shall also modify the construction permit for Station KAFM to specify operation on Channel 257C in lieu of Channel 258C1. The coordinates for Channel 257C are 45-11-36 and 109-19-53.

EFFECTIVE DATE: April 12, 1990.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-125, adopted February 8, 1990, and released February 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Montana by removing Channel 258C1 and adding Channel 257C at Red Lodge.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4790 Filed 3-1-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-540; RM-6546]

Radio Broadcasting Services; Rapid City, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Tom-Tom Communications, Inc., substitutes Channel 281C1 for Channel 282C at Rapid City, South Dakota, and modifies its construction permit to specify the substitute channel. Channel 281C1 can be allotted to Rapid City in compliance with the Commission's minimum distance separation requirements with a site restriction of 6 kilometers (3.7 miles) southwest to accommodate petitioner's desired transmitter site. The coordinates for this allotment are North Latitude 44-01-50 and West Longitude 103-15-34. At the request of Spitzer Communications Co., this action also allots Channel 254C1 to Rapid City. Channel 254C1 can be allotted to Rapid City in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for this allotment are North Latitude 44-04-48 and West Longitude 103-13-42. With this action, this proceeding is terminated.

DATES: Effective April 9, 1990. The window period for filing applications for Channel 254C1 at Rapid City, South Dakota, will open on April 10, 1990, and close on May 10, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-540, adopted February 2, 1990, and released February 23, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for South Dakota is amended by deleting Channel 282C and adding Channel 254C1 and Channel 281C1 at Rapid City.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4793 Filed 3-1-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-128; RM-6655, RM-6996]

Radio Broadcasting Services; Marlin and Dublin, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 285C3 to Dublin, Texas, as that community's first local FM service, at the request of Robert V. Barnes. In addition, this document substitutes Channel 225C2 for Channel 225A at Marlin, Texas, and modifies the license of Station WRXX(FM) at Marlin to specify operation on the higher powered channel, at the request of KRZI, Inc. (*See* 54 FR 25483, June 15, 1989). Channel 285C3 at Dublin requires a site

restriction 6.4 kilometers (4 miles) southeast of the city. The coordinates are 32–02–57 and 98–17–24. Channel 225C2 at Marlin requires a site restriction of 26.8 kilometers (16.7 miles) west of the city, at coordinates 31–22–48 and 97–09–42. With this action, this proceeding is terminated.

DATES: Effective April 9, 1990; The window period for filing applications on Channel 285C3 at Dublin, Texas, will open on April 10, 1990, and close on May 10, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–128, adopted February 7, 1990, and released February 23, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Texas, by removing Channel 225A and adding Channel 225C2 at Marlin; and by adding Dublin, Channel 285C3.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–4791 Filed 3–1–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 89–321; RM–6699 & RM–7036]

Radio Broadcasting Services; Rochester, MN, et al.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 269C2 for Channel 269A at Rochester, Minnesota, in response to a petition filed by Rochester Communications Corporation. We also modify the license for Station KRCH to specify operation on Channel 269C2. The coordinates for Channel 269C2 are 44–04–13 and 92–28–38. To accommodate the upgrade at Rochester, we shall substitute Channel 266A for vacant Channel 268A at Winona, Minnesota. The coordinates for Channel 266A are 44–04–09 and 91–30–54. In response to a counterproposal filed by Howard G. Bill, we shall allot Channel 257A to Rushford, Minnesota, as that community's first FM broadcast service. The coordinates for Channel 257A are 43–48–42 and 91–45–30.

DATES: Effective April 12, 1990; The window period for filing applications for Channel 266A at Winona, Minnesota, and Channel 257A at Rushford, Minnesota, will open April 13, 1990, and close on May 14, 1990.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–321, adopted February 7, 1990, and released February 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 269A and adding Channel 269C2 at Rochester, removing Channel 268A and adding Channel 266A at Winona, and adding Rushford, Channel 257A.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–4787 Filed 3–1–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 88–166; RM–6251]

Radio Broadcasting Services; Conklin, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Programmed Communications, Inc., allots Channel 263A to Conklin, New York, as the community's first local FM service. Channel 263A can be allotted to Conklin in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.3 kilometers (2.17 miles) southeast. The coordinates for this allotment are North Latitude 41–59–5 and West Longitude 75–47–08. Canadian concurrence has been received since Conklin is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, the proceeding is terminated.

DATES: Effective April 12, 1990. The window period for filing applications will open on April 13, 1990, and close on May 14, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88–166, adopted February 7, 1990, and released February 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under New York is amended by adding Conklin, Channel 263A.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–4788 Filed 3–1–90; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 88-572; RM-6564]

Radio Broadcasting Services; Myrtle Beach, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Hirsh Broadcasting Group, Inc. L.P., substitutes Channel 221C2 for Channel 221A at Myrtle Beach, South Carolina, and modifies its license for Station WJYR-FM to specify operation on the higher powered channel. Channel 221C2 can be allotted to Myrtle Beach in compliance with the Commission's minimum distance separation requirements and can be used at the station's present transmitter site. The coordinates for this allotment are North Latitude 33-42-56 and West Longitude 78-52-56. With this action, this proceeding is terminated.

EFFECTIVE DATES: April 12, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-572, adopted February 7, 1990, and released February 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments is amended under South Carolina, by removing Channel 221A and adding Channel 221C2 at Myrtle Beach.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4785 Filed 3-1-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-95; RM-6569]

Radio Broadcasting Services; Churchville and Luray, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 292B1 for Channel 294A at Churchville, Virginia, and modifies the construction permit of Station WJNA(FM) at Churchville to specify operation on the higher powered channel at the request of Peter W. Lechman. Additionally, in order to accomplish the upgrade at Churchville this action substitutes Channel 289A for Channel 292A at Luray, Virginia, and modifies the license of Station WLCC(FM) at Luray accordingly. (*See* 54 FR 19415, May 5, 1989.) Channel 292B1 at Churchville can be sited utilizing the coordinates specified in Station WJNA(FM)'s construction permit as 38-09-52 and 79-08-24. Channel 289A at Luray can be used at the licensed site of Station WLCC(FM) located at coordinates 38-30-41 and 78-29-15. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 12, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-95, adopted February 7, 1990, and released February 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Virginia, by removing Channel 294A and adding Channel 292B1 at Churchville; and by removing Channel 292A and adding Channel 289A at Luray.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4786 Filed 3-1-90; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 55, No. 42
Friday, March 2, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 322

[Docket No. 90-025]

Honeybees and Honeybee Semen

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of reopening and extension of comment period.

SUMMARY: We are reopening and extending the comment period for our proposal to amend the regulations governing the importation into the United States of honeybees and honeybee semen. This extension will provide interested persons with additional time to prepare comments on the proposed rule.

DATES: Consideration will be given only to comments that are received on or before April 2, 1990.

ADDRESSES: To help ensure that your comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 89-117. Comments received may be inspected at Room 1141 of the South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Philip J. Lima, Staff Specialist, Biological Assessment and Taxonomic Service, PPQ, APHIS, USDA, Room 624, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8677.

SUPPLEMENTARY INFORMATION:

Background

On February 6, 1990, we published in the **Federal Register** (55 FR 3968-3969, Docket No. 89-117) a proposed rule that would amend the regulations governing the importation into the United States of honeybees and honeybee semen. The proposed rule would allow honeybees or honeybee semen to be imported from New Zealand into the United States if they are shipped to the United State nonstop and if they are accompanied by a certificate issued by the New Zealand Department of Agriculture certifying that the honeybees or honeybee semen are of New Zealand origin. The proposed rule would also amend § 322.2 of the regulations to add a definition for "certificate of origin."

In response to a request from a member of the beekeeping industry, we are reopening the comment period for our proposed rule, Docket No. 89-117. We will consider all written comments on this docket that are received on or before April 2, 1990. This action will allow the requester and all interested persons additional time to prepare comments.

Done in Washington, DC, this 27th day of February 1990.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-4829 Filed 3-1-90; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Parts 312, 329, and 381

[Docket No. 89-006P]

RIN 0583-AB10

Product Detentions

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service is proposing to amend the Federal meat and poultry products inspection regulations regarding the preparation and processing of product detention notifications. The proposal would delete the requirement of issuing a Preliminary Notice of Dentention to the owner, agent, or custodian of detained meat or poultry articles and require only the issuance of a Notice of Detention. The proposal would also revise the references to the detention tags and notices to reflect current FSIS form numbers. This proposal would eliminate an unnecessary recordkeeping requirement for FSIS and would expedite the product detention process.

DATES: Comments must be received on or before May 1, 1990.

ADDRESSES: Written comments to: Policy Office, Attn: Linda Carey, FSIS Hearing Clerk, Room 3171-South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under Supplementary Information.) Oral comments as provided under the Poultry Products Inspection Act to: Richard T. Van Blargan, (202) 447-5643.

FOR FURTHER INFORMATION CONTACT: Richard T. Van Blargan, Director, Evaluation and Enforcement Division, Compliance Program, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-5643.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this proposed rule is not a "major rule" under Executive Order 12291. This proposed rule would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographical regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Current regulations require that when FSIS detains a meat or poultry article, an authorized representative of the Secretary shall issue a Preliminary Notice of Detention and than a Notice of Detention to the owner, agent, or custodian of the detained article. Often, upon receiving the preliminary notice, the owner, agent, or custodian of the article initiates corrective action; therefore, by the time a detention notice is issued, disposition of the article has already taken place. This proposal would eliminate the issuance of the preliminary notice and update the form numbers of detention tags and notices referenced in the Federal meat and poultry products inspection regulations. The proposal would remove an unnecessary paperwork requirement for

FSIS and expedite the product detention process for both FSIS and the industry.

Effect on Small Entities

The Administrator has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). This proposed rule would expedite the product detention process by relieving FSIS of an unnecesary paperwork step and update detained tag and notice form numbers.

Comments

Interested persons are invited to submit written comments concerning this proposal. Written comments should be sent to the Policy Office specifying docket number 89-006P. Any person desiring opportunity for oral presentation of views as provided under the Poultry Products Inspection Act must make such request to Mr. Van Blargan so that arrangements may be made for such views to be presented. A record will be made of all views orally presented. All comments submitted pursuant to this action will be made available for public inspection in the Policy Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Section 402 of the Federal Meat Inspection Act (21 U.S.C. 672) provides, in part, that "Whenever any carcass, part of a carcass, meat or meat food product * * * or any product exempted from the definition of a meat food product, or any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution, in commerce or otherwise subject to title I or II of this Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of title I of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that such article or animal has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 403 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or animal, and shall not be moved by any person, firm, or corporation from the place at which it is located when so detained, until released by such representative." Section 19 of the Poultry Products Inspection Act (21 U.S.C. 467A) contains similar provisions for poultry and poultry products.

Part 329 and part 381, subpart U, of the Federal meat and poultry products inspection regulations (9 CFR parts 329 and 381, subpart U) prescribe, among other things, the procedures for detained meat and poultry products. Upon finding product to be detained, an authorized representative of the Secretary (hereinafter referred to as an FSIS representative) detains the product by affixing an official U.S. Detained Tag (Form MP-483) to such product. At this time, the FSIS representative provides oral notification and a Preliminary Notice of Detention (Form MP-479) to the owner of the detained product, whenever possible, or to the owner's agent or the immediate custodiam of the detained product. If the detention is to continue after 48 hours, the regulations further require that a Notice of Detention (Form MP-484) be provided to the owner or the owner's agent or the custodian of the detained product.

Unless seizure action if initiated against the product, the FSIS representative must terminate the detention within 20 days of detaining the product. Detentions are terminated when it has been determined that proper dispostion of the detained product has been made. Disposition includes returning the product to an official establishment for reinspection, proper product denaturing or identification prior to further movement or use for animal food, or destroying the product for human food purposes. When terminating a detention, the FSIS representative provides a Notice of Termination of Detention (Form MP-487) to the person receiving the Preliminary Notice of Detention. Until termination of the detention is made, the detained product cannot be moved from the premises where it was located when so detained, except that the FSIS representative may approve movement of the product to another location for refrigeration, freezing, or storage. During such movement, the product must be maintained under continuous detention.

The Proposal

FSIS is proposing to amend the Federal meat and poultry products inspection regulations by eliminating the issuance of a Preliminary Notice of Detention and requiring issuance of only a Notice of Detention at the time product is detained. In most instances, the owners, agents, and other custodians of detained products take immediate action when products are detained and the preliminary notice is issued. By the time the Notice of Detention reaches the owner, agent, or custodian, disposition of the product has normally already occurred. As previously stated, the Notice of Detention is issued if the detention is to continue after 48 hours.

In order to implement these new procedures, FSIS is proposing to amend §§ 329.2, 329.3, 329.5, 381.211, 381.212, and 381.214 of the Federal meat and poultry products inspection regulations (9 CFR 329.2, 329.3, 329.5, 381.211, 381.212, and 381.214) by eliminating the issuance of Form MP-479, Preliminary Notice of Detention.

The proposal would also update the detention form numbers referenced in the Federal meat and poultry products inspection regulations (9 CFR 312.9, 329.2, 329.3, 329.5, 381.211, 381.212, and 381.214). All detention forms were renumbered under a new form numbering system instituted by the Agency in 1985. However, the regulations were not changed to reflect this fact. The Notice of Detention is FSIS Form 8080-1, the Notice of Termination of Detention is FSIS Form 8400-1, and the U.S. Detained tag is FSIS Form 8400-2. In addition, proposed amendments to §§ 329.3, 329.5, 381.211, and 381.212 require an authorized representative of the Secretary to furnish copies of completed "Notice of Detention" and "Notice of Termination of Detention" to the immediate custodian and to the owner, or the owners agent, if the owner is not the custodian. Sections 329.5 and 381.212 were further modified to require that an authorized representative of the Secretary give oral notification of detention termination to the custodian prior to furnishing a completed "Notice of Termination of Detention" to persons notified when the product was detained. Finally, the proposal divides §§ 329.3, 329.5, 381.211, and 381.212 into subparagraphs for clarity.

List of Subjects

9 CFR Part 312

Marks and devices, Meat inspection.

9 CFR Part 329

Detention, Meat inspection.

9 CFR Part 381

Detention, Poultry products inspection.

For the reasons set out in the preamble, parts 312, 329, and 381 of the Code of Federal Regulations, title 9, are proposed to be amended as set forth below.

PART 312—OFFICIAL MARKS, DEVICES AND CERTIFICATES

1. The authority citation for part 312 would continue to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*)

2. Section 312.9 would be revised to read as follows:

§ 312.9 Official detention marks and devices.

The official mark for articles and livestock detained under part 329 of this subchapter shall be the designation "U.S. Detained" and the official device for applying such mark shall be the official "U.S. Detained" tag (FSIS Form 8400–2) as prescribed in § 329.2 of this subchapter.

PART 329—DETENTION; SEIZURE AND CONDEMNATION; CRIMINAL OFFENSES

3. The authority citation for part 329 would continue to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k.

4. Section 329.2 would be revised to read as follows:

§ 329.2 Method of detention; form of detention tag.

An authorized representative of the Secretary shall detain any article or livestock to be detained under this part, by affixing an official "U.S. Detained" tag (FSIS Form 8400–2) to such article or livestock.

5. Section 329.3 would be revised to read as follows:

§ 329.3 Notification of detention to the owner of the article or livestock detained, or the owner's agent, and person having custody.

(a) When any article or livestock is detained under this part, an authorized representative of the Secretary shall:

(1) Orally notify the immediate custodian of the article or livestock detained, and

(2) Promptly furnish a copy of a completed "Notice of Detention" (FSIS Form 8080–1) to the immediate custodian of the detained article or livestock.

(b) If the owner of the detained article or livestock, or the owner's agent, is not the immediate custodian at the time of detention and if the owner or owner's agent, can be ascertained and notified, an authorized representative of the Secretary shall furnish a copy of the completed "Notice of Detention" to the owner or the owner's agent. Such copy shall be served, as soon as possible, by delivering the notification to the owner, or the owner's agent, or by certifying and mailing the notification to the owner, or the owner's agent, at his or her last known residence or principal office or place of business.

6. Section 329.5 would be revised to read as follows:

§ 329.5 Movement of article or livestock detained; removal of official marks.

(a) No article or livestock detained in accordance with the provisions in this part shall be moved by any person from the place at which it is located when so detained, until released by an authorized representative of the Secretary: *Provided,* That any such article or livestock may be moved from the place at which it is located when so detained, for refrigeration, freezing, or storage purposes if such movement has been approved by an authorized representative of the Secretary: *And provided further,* That the article or livestock so moved will be detained by an authorized representative of the Secretary after such movement until such time as the detention is terminated.

(b) Upon terminating the detention of such article or livestock, an authorized representative of the Secretary shall:

(1) Orally notify the immediate custodian of the released article or livestock, and

(2) Furnish copies of a completed "Notice of Termination of Detention" (FSIS Form 8400–1) to the persons notified when the article or livestock was detained. The notice shall be served by either delivering the notice to such persons or by certifying and mailing the notice to such persons at their last known residences or principal offices or places of business.

(c) All official marks may be required by such representative to be removed from such article or livestock before it is released unless it appears to the satisfaction of the representative that the article or livestock is eligible to retain such marks.

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

7. The authority citation for part 381 would continue to read as follows:

Authority: 21 U.S.C. 463, 468; 7 CFR 2.17 (g) and (i), 2.55

8. Section 381.211 would be revised to read as follows:

§ 381.211 Method of detention; form of detention tag.

An authorized representative of the Secretary shall detain any poultry or other article to be detained under this subpart, by affixing an official "U.S. Detained" tag (FSIS Form 8400–2) to such article.

9. Section 381.212 would be revised to read as follows:

§ 381.212 Notification of detention to the owner of the poultry or other article, or the owner's agent, and person having custody.

(a) When any poultry or other article is detained under this subpart, an authorized representative of the Secretary shall:

(1) Orally notify the immediate custodian of the poultry or other article detained, and

(2) Promptly furnish a copy of a completed "Notice of Detention" (FSIS Form 8080–1) to the immediate custodian of the detained poultry or other article.

(b) If the owner of the detained poultry or other article, or the owner's agent, is not the immediate custodian at the time of detention and if the owner, or owner's agent, can be ascertained and notified, an authorized representative of the Secretary shall furnish a copy of the completed "Notice of Detention" to the owner, or the owner's agent. Such copy shall be served, as soon as possible, by delivering the notification to the owner, or the owner's agent, or by certifying and mailing the notification to the owner, or the owner's agent, at his or her last known residence or principal office or place of business.

10. Section 381.214 would be revised to read as follows:

§ 381.214 Movement of poultry or other article detained; removal of official marks.

(a) No poultry or other article detained in accordance with the provisions in this subpart shall be moved by any person from the place at which it is located when so detained, until released by an authorized representative of the Secretary: *Provided,* That any such article may be moved from the place at which it is located when so detained, for refrigeration or freezing, or storage purposes if such movement has been approved by an authorized representative of the Secretary and the article so moved will be further detained by an authorized representative of the Secretary after such movement.

(b) Upon terminating the detention of such article, an authorized representative of the Secretary shall:

(1) Orally notify the immediate custodian of the released article, and

(2) Furnish copies of a completed "Notice of Termination of Detention" (FSIS Form 8400–1) to the persons

notified when the article was detained. The notice shall be served by either delivering the notice to such persons or by certifying and mailing the notice to such persons at their last known residences or principal offices or places of business.

(c) All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the representative that the article is eligible to retain such marks.

Done at Washington, DC, on January 23, 1990.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 90-4644 Filed 3-1-90; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-NM-102-AD]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to amend an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, which would have required replacement of both spoiler wheel command units. That proposal was prompted by reports that a potential failure mode exists, which could cause uncommanded deployment of three flight spoilers on one wing to their full up position. This condition, if not corrected, could result in a sudden large rolling moment and, after recovery by the pilot, diminished roll capability and a significant loss of lift. This action proposes to revise the applicability of the proposed rule to include additional affected airplanes.

DATES: Comments must be received no later than March 26, 1990.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 89-NM-102-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Don Kurle, Systems and Equipment Branch, ANM-130S; telephone (206) 431-1576. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing data for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 89-NM-102-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires the replacement of both spoiler wheel command units on Boeing Model 767 series airplanes, was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on July 13, 1989 (54 FR 29579). That action was prompted by identification of a potential failure mode in the spoiler wheel command unit, which could occur as a result of separation of the input gear from the input shaft. Although no occurrences of this problem in service have been reported, this failure could cause uncommanded deployment of three flight spoilers on one wing to their full up position. This condition, if not corrected, could result in a sudden large rolling moment and, after recovery by the pilot, diminished roll capability and a significant loss of lift.

Since publication of the NPRM, the manufacturer has identified additional airplanes which are subject to the same unsafe condition with respect to the left spoiler wheel command unit.

The FAA has reviewed and approved Boeing Service Bulletin 767-27-0085, Revision 1, dated November 30, 1989, which describes procedures for replacement of spoiler wheel command units with improved units, and test and adjustment of the units after replacement. This revision adds eleven additional airplanes ("Group 2 airplanes") to the effectivity, and adds procedures for replacement of the existing wheel command transducer on the left side only of this group of airplanes.

Since this condition is likely to exist or develop on other airplanes of this same type design, the FAA has determined that the applicability of the proposed rule must be revised to include the additional affected airplanes which would require replacement of the spoiler wheel command units in accordance with the service bulletin previously described.

There are approximately 254 Model 767 series airplanes of the affected design in the worldwide fleet. It is estimated that 101 airplanes of U.S. registry would be affected by this AD, that it would take approximately five manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $20,200. The parts required by the proposed AD may be furnished or fabricated from operators' existing stock or purchased directly from industry sources. Therefore, parts cost is estimated to be negligible.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasosn discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation Safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by revising the AD in the Notice of Proposed Rulemaking, Docket No. 89–NM–102–AD, published in the **Federal Register** on July 13, 1989 (54 FR 29579), FR Doc. 89–16450, as follows:

Boeing: Applies to Model 767 series airplanes, line numbers 1 through 243, 257, 262, 263, 269, 273 through 275, 282, 285, 289, and 291, certificated in any category. Compliance is required within the next 24 months after the effective date of this AD, unless already accomplished.

To prevent uncommanded extension of three flight spoilers on one wing, due to a failure of a spoiler wheel command unit, accomplish the following:

A. For Group 1 airplanes: Replace both spoiler wheel command units in accordance with Boeing Service Bulletin 767–27–0085, Revision 1, dated November 30, 1989.

B. For Groups 2 airplanes: Replace the left side spoiler wheel command unit in accordance with Boeing Service Bulletin 767–27–0085, Revision 1, dated November 30, 1989.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Seattle Aircraft Certification Office.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on February 16, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–4625 Filed 3–1–90; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3728–5]

Approval and Promulgation of State Implementation Plans; Colorado; Greeley Carbon Monoxide Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to approve the control measures contained in revisions to the Colorado Carbon Monoxide (CO) State Implementation Plan (SIP) for Greeley, Colorado. The Governor of Colorado submitted the SIP revision on November 25, 1987, in response to an EPA finding that the Greeley CO SIP was inadequate (published in the **Federal Register** on January 16, 1987 (52 FR 1908)). Additional information was submitted by the State on February 25, 1988.

The major control strategies contained in the SIP revision are a motor vehicle inspection and maintenance program (AIR Program), the State oxygenated fuels program, and controls on woodburning stoves. However, no CO reduction credit is assumed for the woodburning stoves or fireplace strategy. The SIP revision commits to attainment of the National Ambient Air Quality Standard (NAAQS) for CO by 1992. EPA believes that the State is making reasonable efforts to attain the standard. However, EPA is deferring action on the attainment and maintenance demonstration, and will address this SIP element in a future rulemaking action.

DATES: Comments must be received on or before April 2, 1990.

ADDRESSES: Written comments should be addressed to: Douglas M. Skie, Chief, Air Programs Branch, Denver Place, Suite 500, 999 18th Street, Denver CO 80202–2405.

Copies of the State submittal are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at the following office: Environmental Protection Agency, Region VIII, Air Programs Branch, Denver Place, Suite 500, 999 18th Street, Denver, CO 80202–2405.

FOR FURTHER INFORMATION CONTACT: Jeff Houk, Air Programs Branch, Environmental Protection Agency, Denver Place, Suite 500, Denver, CO 80202–2405, (303) 294–7613, FTS 564–7613.

SUPPLEMENTARY INFORMATION:

Background

The Greeley element of the Colorado CO SIP was originally approved on December 12, 1983, 48 FR 55284. The plan called for CO reduction measures to be implemented in the Greeley nonattainment area. Such area, defined as the Greeley urbanized area, includes the cities of Greeley, Garden City, Rosedale, Evans, and La Salle. The plan was based upon emission reductions of 35% to be gained entirely from the Federal Motor Vehicle Control Program (FMVCP). A series of ongoing, local transportation measures were included in the plan which would result in an additional 1% reduction. An inspection/maintenance (I/M) program was not required because the area had less than 200,000 total population and was expected to be in attainment by the end of 1987 without an I/M program. The SIP committed to attainment by December 31, 1987.

Since the approval of this SIP, CO in Greeley has shown continuing violation of the CO NAAQS. Data indicated the following:

Year	2nd maximum 8 hr. average concentration
1983	10.9 ppm.
1984	16.0 ppm (design value).
1985	9.5 ppm.
1986	11.6 ppm.
1987	10.4 ppm.

In a May 30, 1986, report the Air Pollution Control Division (APCD) of the Colorado Department of Health (CDH) completed an analysis of Greeley's progress in attaining the CO NAAQS.

In evaluating the available data for the May 1986 report, 1984 contained the highest second maximum CO concentration over a three year period. This CO concentration indicted a percentage reduction in CO emissions required to attain the standard (9 ppm) equal to 41%. Calculations using mobile emission factors (MOBILE) indicated that the FMVCP would only result in a 35% CO reduction between 1983 and the end of 1987. Even with the additional transportation measures, the Greeley CO SIP would not have been capable of meeting the CP standard by December 31, 1987.

SIP Call

In a letter dated October 6, 1986, EPA advised the State that there was insufficient decline in the CO levels in the Greeley area to attain the CO standard by 1987. An information notice of this SIP Call was published in the **Federal Register** (52 FR 1908) on January 16, 1987.

In a letter dated January 7, 1987, the Governor submitted a schedule for revising the Greeley element of the Colorado CO SIP. The schedule committed to an October 1987 deadline for submittal of the required SIP revision. Also in this letter, the Governor announced that the Air Quality Control Commission (AQCC) had received a resolution passed by the Greeley City Council supporting inclusion of the Greeley Urbanized Area into the Automobile Inspection and Readjustment (AIR) Program. EPA responded on January 27, 1987, stating EPA's approval of the proposed schedule.

SIP Revision

On November 25, 1987, the Governor submitted a revision to the Colorado SIP containing the CO attainment strategies for the Greeley nonattainment area. After initial review, the EPA found the SIP revision to be deficient in several areas. Of primary importance was the exclusion from the submittal of the relevant statute and regulation regarding the addition of Greeley into the State's AIR Program. A letter dated February 17, 1988, from EPA to CDH informed the State of the SIP revision's deficiencies and set a schedule for the State to submit additional, necessary information to EPA. Additional information, dated February 25, 1988, was submitted by the APCD of CDH.

The primary difference between the November 1987 submittal and the February 25, 1988, revised submittal was that the latter included House Bill 1192 (HB 1192) and Regulation No. 11, the authority and mechanism, respectively, for implementing the AIR Program in Greeley. Concerning this amendment, the State determined that the revised submittal did not contain substantive changes and, therefore, did not require an additional public comment period. Further hearing beyond such hearing as was held on February 18, 1988, and as related to Regulation No. 11 revisions, was not necessary. EPA concurs.

The revised SIP, which has been adopted and submitted to the AQCC by the Larimer-Weld Regional Council of Governments (LWRCOG) and the Cities of Greeley and Evans, contained the following authority and regulations:

1. Inclusion of HB 1192 in the Greeley SIP. HB 1192 amends the Colorado AIR Program to include the Greeley nonattainment area. Initially, the AIR Program will capture 85% of the VMT in the Greeley urbanized area; this covers all of the vehicles in the Greeley (nonattainment) urbanized area. However, should more than two exceedances of the CO standard occur in any year after January 1, 1988, the program will automatically be expanded to include additional portions of Weld County. Under the expanded program, virtually 100% of the VMT in the Greeley urbanized area would be captured by the AIR Program.

2. Inclusion of the AIR Program area (as described in HB 1192) in Weld County into the program area for Colorado Regulation No. 13 which establishes an oxygenated fuels program beginning January 1, 1988, in all CO nonattainment areas.

3. Colorado Phase 2 woodstove standards as described in Colorado Regulation No. 4, effective July, 1988.

The SIP also included analyses of and conclusions behind the control strategies listed in the SIP, as well as the local agency resolution of the appropriate government bodies supporting the Greeley area element of the SIP.

Justification for the three control strategies is demonstrated by analyzing the primary sources of CO emissions in the Greeley urbanized area. APCD evaluated the contribution each source made to CO emissions; the emission inventory is summarized below:

1984 (base yr.)	Mobile sources	Wood-burning	Point sources	Total
Tons/year	38,259	2581	31	40,871
Percent contribution	93.6	6.3	.1	100.0

The only significant point source in 1984 was Natural Gas Associates in the City of Evans. This source emits approximately 23 tons/year of CO.

Due to the fact that over 99% of CO emissions come from the combination of mobile sources and woodburning, these two categories offer the greatest and most logical potential for reductions in CO emissions. Additionally, because Greeley air exceeds the standard during winter months, inclusion of the Greeley AIR Program area into the oxygenated fuels program (operated in winter months only) and implementation of woodstove Phase 2 standards (woodstoves are primarily used in cold winter months) are control measures which will have significant impact during the periods when the pollution problems are most severe.

Control Strategies

A. Mobile Sources

The primary reduction of CO emissions mandated by the SIP revision must logically come from mobile source emissions. The SIP calls for three control strategies to attain the necessary reduction. The control strategies are:

1. FMVCP,
2. the AIR Program, and
3. the Oxygenated Fuels Program.

Discussion of these strategies appears below.

1. FMVCP

The FMVCP requires vehicle manufacturers to certify that new vehicles meet federal vehicle emission standards. The program's effectiveness is based on the replacement of older vehicles in a fleet with newer vehicles that meet more stringent vehicle emission standards, resulting in an overall reduction of CO emissions. This strategy produces an 11% reduction in vehicle CO emissions (10% reduction in total CO emissions) in the Greeley area.

2. AIR Program

The AIR Program has operated in Colorado since January 1, 1982 (approved in 47 FR 4257, January 29, 1982), and was significantly strengthened by revisions which took effect on July 1, 1987. The Colorado AIR Program was implemented in the

Greeley urbanized area on January 1, 1988.

The AIR Program is a decentralized, computerized analyzer inspection program. All model years and all weight classes of gasoline, gasohol, and propane or dual-fueled vehicles are inspected (limited exemptions are available). An inspection for tampering of certain emission control system components is performed on 1975 and newer vehicles. All model year vehicles receive a tailpipe test for CO and hydrocarbon (HC) emissions and excessive exhaust dilution, and a visual inspection for visible smoke emissions. The program is registration enforced.

CDH maintains lead responsibility for AIR Program operations and oversight, and performs mechanic training, calibration gas naming, and data analysis functions. The Colorado Department of Revenue (DOR) is responsible for day-to-day operation of the program, including routine and covert audits of inspection stations, enforcement, and resolution of consumer complaints. Both CDH and DOR are involved in many other mobile source activities, directly and indirectly related to the AIR Program. Another section of DOR administers the State vehicle registration system.

The MOBILE3 runs submitted by the State of Colorado in support of the Greeley CO SIP revision are marked "Denver specific high altitude I/M credits for MOBILE3." These MOBILE3 credits are different because the Colorado I/M program uses special cutpoints for 1981 and newer vehicles (1.5% CO and 400 ppm HC, rather than the 1.2% CO and 220 ppm HC cutpoints typically used in I/M programs for these vehicles). Although the credits are termed "Denver specific," they apply at all locations in the State where the I/M program is in effect, because the program design (including the cutpoints) is identical everywhere. These credits, therefore, apply to the Greeley I/M program.

To summarize, the AIR Program is expected to reduce CO emissions by 20–26% in 1990 and by 36% in 1995. The AIR Program is designed to have a stringency factor of 30%; i.e., it is expected that 30% of pre-1981 vehicles will fail the test and require maintenance.

3. Oxygenated Fuels

The AQCC adopted Regulation No. 13 to mandate the sale of oxygenated fuels during the winter months along the Front Range. A copy of this regulation was submitted with the SIP revision. The oxygenated fuels program was in effect during the months of January and February, 1988, and was expanded in winter 1988–1989 to include the months of November and December. One principal cause of CO violations in the Greeley area is the high altitude. The Greeley area altitude varies from 4,600 to 4,900 feet above sea level. Vehicles at high altitude operate under oxygen starved conditions. As altitude increases, less oxygen per liter of air entering the carburetor is available for mixing with vehicle fuel prior to combustion. Using oxygenated fuels compensates for the lack of oxygen in the air and results in increasing fuel burning efficiency and decreasing CO emissions. Two fuel additives are currently being used in Colorado's oxygenated fuels programs:

1. Methyl Tertiary Butyl Ether (MBTE): An ether based fuel currently being used in many premium unleaded gasolines. MTBE blended fuels contain 11% MTBE.

2. Ethanol: A fuel additive now widely used which meets all car manufacturers' warranties. Ethanol blended fuels being sold in the oxygenated fuels program contain 10% ethanol.

The SIP revision states that the oxygenated fuels program should reduce CO emissions by 17% in 1990 and by 12% in 1995. (The reduction in the effectiveness of this strategy in 1995 results from changes to the vehicle fleet due to the FMVCP.) EPA proposed to approve Colorado's oxygenated fuels program at 54 FR 27036 (June 27, 1989).

B. Woodburning

The only non-vehicle significant source of CO emissions in the Greeley area is woodburning, which accounted for 6.3% of CO emissions during 1984. The control measure for woodburning represents an effort to ensure that new woodstoves sold in Colorado are cleaner burning/lower CO emitting than currently operated woodstoves. Colorado Regulation No. 4 (approved by EPA April 10, 1986, at 51 FR 12321) regulates the sale of new woodstoves, prescribing that only woodstoves that emit particulate matter and CO below established maximum levels may be certified and sold in Colorado. Regulation No. 4 establishes Phase 1 emission standards, which became effective prior to July 1, 1988, and Phase 2 (more stringent than Phase 1) emission standards, which became effective July 1, 1988. EPA Region VIII has reviewed Regulation No. 4 to ensure consistency with recently promulgated EPA woodstove standards (53 FR 5860, published on February 26, 1988). Colorado's Phase 2 standards are more stringent than the first phase of federal standards (effective until July of 1990). In addition, Colorado's Regulation No. 4 regulates CO, where the federal regulation does not. EPA has found Regulation No. 4 to be consistent with, and at least as stringent as, the new federal standards.

The primary factor that drives increasing woodstove emissions is growth in the development of new housing units with woodstoves and fireplaces. Regulation No. 4 will ensure that new housing equipped with woodstoves will contain woodstoves which meet Phase 2 requirements, thus significantly reducing the potential CO emissions generated by development growth in the Greeley area.

The SIP states that the Phase 2 control measure will not reduce CO emissions by 1990 but will significantly abate the rate of increase of woodstove emissions.

Other Issues:

As mentioned previously, the State's November 25, 1987, submittal of the Greeley CO SIP element was not complete. On February 17, 1988, EPA notified the State of the issues and deficiencies that must be addressed in order for EPA to proceed with evaluation of the submittal. A list of the issues and earlier identified deficiencies, as well as the State's response to these issues and deficiencies, follows:

A. Inspection and Maintenance Program

1. Clarification of Vehicle Coverage of I/M Program

At the time the original submittal was drafted (the version submitted to EPA is dated June 24, 1987), two versions of an I/M bill were under consideration in the State legislature. One version would have included nearly all of the vehicles which contribute to VMT in the Greeley urbanized area; the other version (which eventually became law) excluded some of the area surrounding the Greeley urbanized area and captured only 85% of the vehicles contributing to VMT in the area. The calculations in the submittal, however, took into account both of these scenarios, with the estimated reductions and attainment date based primarily on 100% coverage. The submittal did not reflect the I/M program scenario actually implemented.

2. Demonstration of Adequacy Requirements

The submittal did not specifically reflect an attainment and maintenance strategy based on the I/M program now in place in the Greeley area. Expected emission levels due to the I/M control measure in place in Greeley were not clearly presented in the submittal, as required by the Demonstration of

Adequacy requirement (40 CFR 51.112(b)(2)).

3. Necessary Adjustments to the Attainment Date

40 CFR 51.110(d) requires that "each plan providing for the attainment of a primary or secondary standard must specify the projected attainment date." The attainment date appropriate for the chosen I/M program was not specified as the projected attainment date.

State Response for A1–3: The additional information submitted by the State contained the clarification that the I/M program currently in place captures 85% of the VMT in the Greeley urbanized area. The State projects an attainment date of 1992 with the existing control strategies, and attainment date of 1990 if the I/M program is expanded to 100% coverage. Maintenance of the standard is demonstrated up to 1995 under either I/M program scenario.

4. Public Awareness Efforts

Several public meetings were held during the SIP development process. The submittal, however, did not provide sufficient information on any additional steps that were taken to inform Greeley area citizens of the requirements involved in complying with the I/M program. (The Public Awareness effort requirements are found in EPA's 1982 SIP Policy, published at 46 FR 7182, January 22, 1981.)

State Response: The State provided a detailed listing of the public awareness efforts that occurred during start-up of the AIR program, including steps taken to inform the local and county governments of how the program would operate, and communication of the new requirements to the affected Weld County residents.

B. Modeling

1. Mobile Sources

The submittal included the emission factors used to calculate mobile source emissions and the reductions available from various control scenarios. It did not, however, contain sufficient information on the assumptions and inputs which were used in the mobile source emission factor model (MOBILE3) to generate these emission factors. These assumptions and inputs, and the MOBILE3 run themselves, should have been included in the submittal.

State Response: The State provided the MOBILE3 runs used to generate the emission factors for baseline and control strategy mobile source emissions. Region VIII has reviewed the assumptions and inputs used in MOBILE3 and has found them to be appropriate. The modeling assumes an I/M stringency of 30% and ambient temperature of 21°F and 34°F. The emission factors produced are based on a composite of vehicle speeds from 25 mph to 55 mph. Region VIII has also determined that the "Denver Specific" version of MOBILE3 used in Greeley CO SIP modeling is appropriate for establishing MOBILE3 credits in Greeley.

2. Woodburning

The claimed reductions in woodburning emissions were based on the turnover of existing woodstoves and fireplace inserts to units meeting the State's Phase 2 standards. These standards will result in a 25% increase in fuel efficiency and a 50% reduction in CO emissions per unit fuel use. The modeling assumed that all in-use woodstoves and fireplace inserts will meet these standards by 1990, which implies 100% turnover of all stoves and inserts within two years. These assumptions are listed in the May 30, 1986, analyses done by CDH on predicted CO levels in Greeley. However, there are no legal or voluntary measures in place or planned which would produce such a turnover.

A smaller woodburning emissions reduction was claimed for fireplaces, based on an assumption that all fireplaces installed after 1990 will meet "clean fireplace criteria" (a 50% reduction in CO emissions from fireplaces currently in use). No such criteria are legally in place or planned for adoption.

Given the lack of a legal enforcement mechanism to produce the changes in woodstove and fireplace populations assumed by the State, Region VIII had serious concerns with the validity of emissions estimates for 1990 and beyond.

State Response: The State revised the assumptions relating to turnover rates of woodstoves to meet Phase 2 standards. Revised projections were that 33% of the woodstoves would meet Phase 2 standards by 1990 and 50% of the woodstoves would meet Phase 2 standards by 1995. The State agreed with Region VIII's concerns regarding fireplace turnover assumptions and the lack of "clean fireplace criteria." No emissions reductions are now claimed for fireplace or woodstove turnover.

3. Total Emission Reduction Calculation

The submittal did not contain an adequate statement of the percentage emission reduction from the base year attributable to each of the chosen control strategies—the Federal Motor Vehicle Control Program, I/M, oxygenated fuels, and woodburning controls. This is a requirement found in 40 CFR 51.112(b)(2).

State Response: The State submitted revised estimates of the emission reductions from the base year attributable to the various control strategies.

4. Update Emission Projections

A memorandum on State modeling efforts sent to EPA on April 15, 1987, contained detailed information on overall source emissions and the emission factors used. However, the data included in the memorandum did not reflect the version of the I/M program in place or realistic estimates of woodburning control effectiveness.

State Response: In the supplemental submittal of February 25, 1988, the 1987 modeling memo was revised to reflect the version of the I/M program currently in place and to present adjusted estimates of the effectiveness of woodburning controls.

5. Demonstration of Attainment

The projected attainment date did not reflect the emission levels resulting from the I/M program in place and realistic assumptions in the woodburning modeling. A graphic demonstration of reasonable further progress toward attainment of the standard and a demonstration that compliance with the standard could be maintained with the control strategies in place were not provided. The submittal was ambiguous as to whether compliance with the standard could be maintained given the version of the I/M program currently operating.

State Response: As discussed above (under A.3.) the February 25, 1988, submittal contains a revised demonstration of attainment and maintenance of the ambient CO standards which accurately reflects the control strategies in place. The State has also provided a graphic demonstration of reasonable further progress which shows attainment and maintenance of the ambient CO standard.

C. Enforcement/Legal Authority

1. Designation of Agency to Replace LWRCOG

The LWRCOG, the State designated lead planning agency to prepare the Air Quality Implementation Plans for the Greeley urbanized area, no longer exists (as of October 1, 1987). EPA expressed concern regarding the likelihood that the CO reduction programs could be significantly maintained. The submittal did not designate an agency responsible

for implementing the control strategies in the Greeley urbanized area.

State Response: The State provided information on the status of a designated Lead Planning Agency to replace LWRCOG; this issue is currently being discussed by the government agencies in the Larimer-Weld areas. The State of Colorado currently has the legal authority and responsibility to carry out the control strategies identified in the submittal.

2. Identification of State as Enforcement Body

Concerning the enforcement of each of the control measures, it is clear that the State of Colorado bears the obligation to carry out enforcement responsibilities for the I/M program (Regulation 11), oxygenated fuels program (Regulation 13), and the woodstove Phase 2 standards (Regulation 4). However, direct citation identifying the State as the enforcement body of these control measures (as required in 40 CFR 51.111) was not provided.

State Response: The State submitted a table which identifies the State of Colorado's enforcement responsibility for each of the control measures.

Proposed Action

EPA proposes to approve the control strategies contained in the Colorado CO SIP revision for Greeley. This proposed approval is based upon the State's demonstration of adequate public awareness efforts and the commitment to implement the control strategies of an acceptable inspection and maintenance program, and oxygenated fuels program, and a strategy to control emissions from new woodstoves. These control strategies are projected to produce a CO emission reduction of 37–43% by 1990 and 48% by 1992. The SIP revision commits to attainment of the CO standard by 1992 and maintenance of CO levels beneath the standard through at least 1995. EPA believes that the State is making reasonable efforts to attain the standard and, thus, is proposing to approve the control measures submitted in the SIP revision.

On May 26, 1988, EPA, in a letter to the Governor, issued a SIP Call to Colorado for deficiencies in its CO SIP. The SIP Call stated a provisional finding concerning the Greeley plan in that the State must continue to evaluate the area's nonattainment status. The SIP Call expands the nonattainment area from the Greeley urbanized area (as defined earlier) to all of Weld County. It will be necessary for the State to evaluate the entire county (or Metropolitan Statistical Area (MSA)) for SIP planning purposes. However, the State, under EPA's proposed national carbon monoxide/ozone policy (November 24, 1987, 52 FR 45044) will have the flexibility to apply control strategies to only that portion of the County necessary to attain and maintain the ambient air quaity standard. In the SIP Call, EPA committed to continue evaluation of the Colorado SIP revision for Greeley. In the meantime, EPA is deferring action on the attainment and maintenance demonstration, and will address this SIP element in a future rulemaking action.

Interested parties are invited to comment on all aspects of these proposed actions.

Under 5 U.S.C. 605(b), I certify that this SIP Revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7642.

Dated: June 29, 1988.

James J. Scherer,

Regional Administrator.

Editorial Note: This document was received at the Office of the Federal Register on February 27, 1990.

[FR Doc. 90–4816 Filed 3–1–90; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 300

[FRL 3728–3]

National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion of a Site

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete sites; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete the Reeser's Landfill Site from the National Priorities List (NPL) and requests public comment. As specified in Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), it has been determined that all Fund-financed responses under CERCLA have been implemented. EPA, in consultation with the Commonwealth of Pennsylvania, has determined that no cleanup is appropriate. The purpose of this notice is to request public comment on the intent of EPA to delete the Reeser's Landfill Site.

DATES: Comments may be submitted on or before April 1, 1990.

ADDRESSES: Comments may be mailed to Victor Janosik, Remedial Project Manager, Superfund Branch, (3HW22), Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA 19107. For background information on the site, contact Victor Janosik at the above address.

The Deletion Docket is available for inspection Monday through Friday at the following locations and times:

U.S. EPA Region III, Hazardous Waste Management Division, 841 Chestnut Street, Philadelphia, PA 19107 from 9:00 am to 5:00 pm.

Parkland Community Library, 4422 Walbert Avenue, Allentown, PA 18104 from 9:00 am to 5:00 m.

FOR FURTHER INFORMATION CONTACT: Victor Janosik (215) 597–8996.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Environmental Protection Agency (EPA) Region III announces its intent to delete a site from the National Priorities List (NPL), Appendix B, of the National Oil and Hazardous Substances Contingency Plan (NPL), and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to human health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be remediated using the Hazardous Substances Superfund. Any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action.

EPA plans to delete the Reeser's Landfill Site in Upper Macungie Township, Lehigh County, Pennsylvania from the NPL.

The EPA will accept comments on this site for thirty days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that the EPA is using for this action. Section IV discusses the Reeser's Landfill Site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

Amendments to the NCP published in the **Federal Register** on November 20, 1985, (50 FR 47912) establish the criteria the Agency uses to delete sites from the NPL. Section 300.66(c)(7) of the NCP provides that.

Sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met.:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required:

(ii) All appropirate Fund-financed response under CERCLA has been implemented, and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before deciding to delete a site, EPA will make a determination that the remedy, or decision that no remedy is necessary, is protective of human health and the environment, consistent with section 121(d) of the Superfund Amendments and Reauthorization Act (SARA) of 1986.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such action. Section 300.66(c)(8) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL.

III. Deletion Procedures

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL should also be used before sites are deleted. Comments were also received in response to the amendments to the NCP proposed on February 12, 1985 (50 FR 5862).

Deletion of a site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for information purposes and to assist Agency management. As mentioned in Section II of this notice, § 300.66(c)(8) of the NCP states that deletion of a site from the NPL does not prelcude eligibility for future Fund-financed response actions.

For deletion of this site, EPA's Regional Office will accept and evaluate public comments before making the final decision to delete.

A deletion occurs when the Regional Administrator places a notice in the **Federal Register**, and the NPL will reflect those deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional Office.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the intention to delete this site from the NPL.

Reeser's Landfill Site, Upper Macungie Township, Pennsylvania

The Reeser's Landfill is located in Upper Macungie Township, Lehigh County, Pennsylvania, immediately east of the village of Haafsville and approximately 5 miles west of the City of Allentown. The approximately 15-acre site is the location of a non-operating landfill which had been operated by Edward F. Reeser of Reeser's Hauling Service. The landfill reportedly received many types of wastes from approximately 1970–1980 but no record of types and quantities was kept.

Residents in the immediate area of the landfill use ground water as their potable water source. In addition, the Lehigh County Authority operates a municipal well (LCA #6) less than 2000 feet east of the site. Runoff water from the landfill has the potential to reach Iron Run, a small stream which functions as the primary surface water drainage way for the area. Concern for adverse impacts on the area ground water and on Iron Run is the reason that the site was included on the National Priorities List (NPL) in July 1987.

In August 1983, EPA Region III conducted the Preliminary Assessment/Site Inspection (PA/SI) of the Reeser's Landfill. The PA/SI found slightly elevated levels of lead (Pb) and cadmium (Cd) in an abandoned well near the site, and slightly elevated mercury (Hg) concentrations in Iron Run and in a leachate seep on the landfill. Based on the results of the PA/SI, the site received a Hazard Ranking Score (HRS) of 30.35. A Remedial Investigation and Feasibility Study (RI/FS) of the site was authorized by EPA in April 1987. The field work for the RI was conducted in the fall of 1987 and the winter of 1988. The overall objective of the RI was to collect information needed to evaluate actual and potential risks to receptors from exposure to site-related contamination in soil, surface water, and ground water. The RI was conducted in one phase of field activities lasting approximately six months that included:

- Geophysical survey.
- Landfill test pits and sampling.
- Onsite and offsite surface soil and surface water sampling.
- Completion of seven additional onsite and offsite soil borings.
- Analysis of water samples from nine private water supply wells and the LCA #6 well.
- Completion of an aquifer pumping test.
- Development of an endangerment assessment based on the results of the RI program.

The endangerment assessment has shown that no carcinogenic effects which might be attributed to the landfill would produce an exposure greater than 8×10^{-8}. Also, no scenario involving human exposure to the site would result in a Hazard Index of 1 or greater. The site is not contributing to any significant environmental degradation.

On March 30, 1989, the Acting Regional Administrator for EPA Region III approved a Record of Decision (ROD) which selected the No Action alternative for the Reeser's Landfill. That ROD also specifies that a review of the condition of the area ground water will be conducted within five years.

The No Action alternative is protective of both human health and the environment. All potential pathways were examined in order to make this determination. No direct contact threat exists from the site soils or from ground water. The Reeser's Landfill has not adversely impacted Iron Run, the receptor stream, as evidenced by the presence of similar contaminant levels upstream and downstream from the site.

EPA's decision to delete this site from the NPL and to perform one subsequent review of ground water is not inconsistent with CERCLA 121(c) or with the 5-year review/deletion recommendation in the Administrator's "A Management Review of the Superfund Program" (Management Review)(p.7). CERCLA 121(c) does not require reviews of sites for which no remedial actions are selected, but it does not preclude performance of reviews wherever appropriate at NPL sites. The Management Review stated that EPA would revise its deletion policy so that no site where hazardous substances remain would be deleted before performance of at least one 5-year review to confirm the protectiveness of the remedy.

The "No-action" alternative was selected for this site because no remedial action is required to ensure protection of human health and the

environment, thus deletion of the site from the NPL is appropriate.

The Commonwealth of Pennsylvania has concurred on this deletion.

Dated: February 5, 1990.

Stanley Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 90-4683 Filed 3-1-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-45; RM-7121]

Radio Broadcasting Services; Clovis and Madera, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Madera Broadcasting, Inc., licensee of Station KXMX(FM), Channel 221B1, Madera, California, seeking to change the community of license for Channel 221B1 from Madera to Clovis, California, and to modify its license accordingly. Coordinates used for this proposal are 36-55-50 and 119-38-38.

DATES: Comments must be filed on or before April 16, 1990, and reply comments on or before May 1, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dennis P. Corbett and Stephen D. Baruch, Esqs., Leventhal, Senter & Lerman, 2000 K St., NW., Suite 600, Washington, DC 20006-1809.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-45, adopted January 29, 1989, and released February 23, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4794 Filed 3-1-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 76

[MM Docket No. 88-138; DA 90-242]

Cable Services; Availability of Broadcast Signals on Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; withdrawal and incorporation into another proceeding.

SUMMARY: The Commission terminates a proceeding (MM Docket No. 88-138) initiated by Notice of Inquiry (53 FR 18588, May 24, 1988) regarding the availability of broadcast signals on cable television systems. The record in this proceeding is incorporated into the record of a second, more comprehensive cable proceeding, MM Docket No. 89-600 (55 FR 10184, January 16, 1990), because the second proceeding encompasses the issues raised in the Docket 88-138.

EFFECTIVE DATE: March 2, 1990.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David E. Horowitz, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 76

Cable television.

Inquiry into the Availability of Broadcast Television Signals on Cable Television Signals.

Order

Adopted: February 16, 1990.
Released: February 26, 1990.

By the Chief, Mass Media Bureau:

1. On March 24, 1988, the Commission adopted a *Notice of Inquiry* in the above-captioned matter, 3 FCC Rcd 2698 (1988), requesting data, empirical studies and other information concerning the availability of broadcast signals on cable television systems. In conjunction with signal carriage information, the Commission also requested information on any specific harms that broadcast stations may have experienced as a result of not being carried on a cable system within their service areas or of channel repositioning, that is, carriage of a broadcast signal by a cable system on a channel other than that on which the station broadcasts over-the-air.

2. The issues raised in the above-described cable signal carriage inquiry, however, are now subsumed by the Commission's more comprehensive inquiry proceeding in MM Docket No. 89-600, which was initiated on December 12, 1989. *See Notice of Inquiry* in MM Docket No. 89-600, FCC 89-345 (released Dec. 29, 1989). As the Commission stated in this later *Notice*, it has therefore decided to terminate MM Docket No. 88-138 and make the record developed in that docket a part of the record in MM Docket No. 89-600. *See id.* at ¶ 9. This *Order* constitutes the "ministerial action[]" necessary to implement that decision. *Id.* at ¶ 9, n.15.

3. Accordingly, *it is ordered* That the record developed in MM Docket No. 88-138 is incorporated into the record of MM Docket No. 89-600.

4. *It is further ordered*, That MM Docket No. 88-138 is terminated.

5. This action is taken pursuant to authority contained in sections 4(i), 303, 601 and 623(h) of the Communications Act of 1934, as amended.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 90-4795 Filed 3-1-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 90-06; Notice 1]

RIN 2127-AD05

Federal Motor Vehicle Safety Standards; Motor Vehicle Brake Fluids

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition from Bendix France, this notice proposes to revise Standard No. 116's color coding requirements for brake fluids to require DOT 5 brake fluids of a non-silicone base to be colorless to amber. All DOT 5 brake fluids currently must be purple. NHTSA has tentatively determined that the proposed color requirements would help to distinguish the newly developed DOT 5 brake fluids from conventional silicone base brake fluids (SBBFs), which would continue to be purple in color. In addition, the amendments would require DOT 5 non-SBBFs to comply with the test procedures for pH value, chemical stability, and compatibility. DOT 5 fluids are currently exempt from these requirements, since silicone base fluids are inherently stable in terms of pH and chemical stability. This notice would also amend certain requirements to better ensure the repeatability of test procedures and delete extraneous language that is no longer in effect.

DATES: Comment closing date: Comments on this notice must be received on or before April 16, 1990. Proposed effective date: If adopted, these amendments would be effective 180 days after the publication of the final rule.

ADDRESSES: All comments on this notice should refer to the docket and notice number in the notices heading and be submitted to the following: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, (Docket hours 9:30 a.m. to 4:00 p.m.).

FOR FURTHER INFORMATION CONTACT: Mr. Vernon Bloom, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-5277.

SUPPLEMENTARY INFORMATION:

Background

Federal Motor Vehicle Safety Standard No. 116, *Motor Vehicle Brake Fluids*, (49 CFR 571.116) sets forth requirements for fluids for use in hydraulic brake systems of motor vehicles, containers for these fluids, and labeling for these containers. The purpose of this standard is to reduce failures in the hydraulic braking systems of motor vehicles which may occur because of the manufacture or use of improper or contaminated fluid.

Section S5.1 establishes three grades of motor vehicle brake fluids (DOT 3, DOT 4, and DOT 5) and sets forth performance requirements for, among other things, the equilibrium reflux boiling point (ERBP), the Wet ERBP, and the low temperature kinematic viscosities. DOT 5 brake fluids are required to have higher boiling points and superior low temperature kinematic viscosities than DOT 3 and DOT 4 brake fluids. As a result, DOT 5 brake fluids are associated with higher performance levels than the DOT 3 and DOT 4 brake fluids. For instance, DOT 5's higher boiling poing reduces the likelihood of loss of braking due to vapor lock. While DOT 5 brake fluids have traditionally been of a silicone base, DOT 3 and DOT 4 brake fluids have been of a non-silicone base. A silicone base brake fluid (SBBF) is immiscible (i.e., incapable of mixing or attaining homogeneity) with a non-silicone base brake fluid (non-SBBF). In recent years, manufacturers have been developing DOT 5 non-SBBFs which are fully miscible with DOT 3 and DOT 4 fluids, but immiscible with conventional DOT 5 SBBFs. The DOT 5 non-SBBFs may provide a lower cost alternative to the conventional high performance DOT 5 SBBFs.

Unlike the non-SBBFs, SBBFs (i.e., conventional DOT 5 fluids) are associated with corrosion inhibiting properties resulting from the "low moisture avidity" (LMA) characteristic of the fluid, i.e., they do not absorb water. While some consumers purchase the DOT 5 SBBFs for this characteristic, NHTSA notes that Standard No. 116's performance requirements are not intended to address the corrosion inhibiting characteristics directly related to a brake fluid's field performance.

Section S5.1.14 requires that DOT 3 and DOT 4 brake fluid be colorless to amber, DOT 5 be purple, and hydraulic system mineral oil be green. In the rulemaking establishing the color code requirements, the agency explained that "[t]he major purpose of the color coding requirements is to permit easy identification of fluids before they are placed in the vehicle, in order to prevent the mixing of an incompatible fluid in a braking system" and "to enable users to distinguish among various unused brake fluids, rather than to match fluid in a master cylinder with additional fluid." (41 FR 54942, December 16, 1976).

Petition for Rulemaking

On January 18, 1989, Bendix France, a division of Allied Signal (Bendix), petitioned the agency to amend the color coding requirements in Standard No. 116. The petitioner stated that it would mislead consumers to require the DOT 5 non-SBBF to be purple, since it is immiscible with conventional DOT 5 SBBF but miscible with conventional DOT 3 and DOT 4 fluids. It believed that the DOT 5 non-SBBF would provide a cost effective means of improving consumer safety. Accordingly, Bendix requested that the agency require the new type of DOT 5 non-SBBF to be colorless to amber to distinguish it from the conventional DOT 5 SBBF, that it requested would remain purple in color. In addition, the petitioner requested that the new DOT 5 non-SBBF be required to comply with certain requirements from which DOT 5 SBBFs are exempt (i.e., the pH requirements in S5.1.4, the chemical stability requirements in S5.1.5.2, and the compatibility requirements for stratification in S5.1.10). The DOT 5 SBBFs are exempt from pH and chemical stability requirement because they are inherently stable, and such testing is therefore unnecessary. The petitioner did not request that DOT 5 SBBFs be required to comply with any different performance requirements.

Discussion

On August 2, 1989, NHTSA granted Bendix's petition after determining that the petitioner's requests warranted further consideration. The agency believes that the color coding requirement is an important and necessary safeguard to help distinguish among brake fluids with differing characteristics. The agency further believes that a newly developed brake fluid should comply with all appropriate requirements, even if its comparable grade fluid is currently exempt from certain requirements (e.g., DOT 5 SBBFs are exempt from the pH value requirements, the chemical stability requirements, and the stratification portion of the compatibility requirements).

After additional study, NHTSA has tentatively determined that the proposed color requirements would help to distinguish the newly developed DOT 5 non-SBBFs, with their differing miscibility and corrosion inhibiting properties, from conventional SBBFs. In addition, the amendments would require certain DOT 5 brake fluids to comply

with additional relevant requirements from which they are currently exempt.

Color Coding and Labeling Requirements

Section S5.1.14 currently requires that DOT 3 and DOT 4 fluid be colorless to amber, DOT 5 be purple, and hydraulic system mineral oil be green. Similarly, paragraph S5.2.2.1 requires the label to include the DOT grade. The purpose of these requirements is to assist users in distinguishing among brake fluids. The petitioner requested the agency to use color coding to further distinguish between two types of DOT 5 fluids, SBBFs and non-SBBFs, based on whether the fluid shows stratification during compatibility tests. After reviewing the color coding and labeling requirements for brake fluids, NHTSA has decided to propose the petitioner's request with some modifications. In addition, the agency is proposing that if a fluid is DOT 5, the label must further distinguish whether the fluid is of a silicone or non-silicone base.

NHTSA considered several alternatives to the color coding and labeling requirements before tentatively determining that the DOT 5 non-SBBF should be colorless to amber and the conventional DOT 5 SBBF should remain purple. The agency notes that such a requirement would be consistent with the recent proposal by FAKRA, the German equivalent to the SAE. The agency considered and rejected requiring that DOT 5 non-SBBF be a new grade category, DOT 6. Even though DOT 5 non-SBBFs have miscibility and corrosion inhibition characteristics differing from DOT 5 SBBFs, the agency concluded that introducing a new DOT 6 cagegory would improperly imply that the non-SBBFs had different performance properties (e.g., boiling point, viscosity). The agency notes that the Society of Automotive Engineers (SAE) and the International Standardization Organziation (ISO) each rejected such a modification believing it would result in an overly complex and confusing system for identifying brake fluids. Similarly, the agency considered and rejected introducing a new category, "High temperature DOT 4," for the higher performance non-SBBFs. The agency reasoned that such a brake fluid classification would be misleading because these fluids have temperature and viscosity performance characteristics complying with the requirements for DOT 5 grade fluid. NHTSA also considered and rejected requiring the DOT 5 non-SBBFs to be a color other than colorless to amber, purple, or green because such a system would be overly complex, possibly misleading, and contrary to harmonization. In addition, given the fact that DOT 3 and DOT 4 fluids are each required to be colorless to amber, the agency notes that color coding has not been used to distinguish among some fluids with different performance characteristics. Based on these considerations, the agency is proposing that DOT 5 non-SBBFs be required to be colorless to amber and the existing DOT 5 SBBF remain purple. The agency welcomes comments about the color coding and labeling requirements for DOT 5 non-SBBFs.

NHTSA is also proposing that if a fluid is DOT 5, its label must further distinguish the fluid as "silicone base" or "non-silicone base." The agency tentatively believes that to facilitate consumer comprehension it is necessary to place on the label the term "silicone base" or "non-silicone base" rather than merely the abbreviations SBBF and non-SBBF. (The agency notes that for ease of reference, it will continue to use the abbreviations SBBF and non-SBBF in relation to requirements and test procedures not related to labeling.)

NHTSA recognizes that the safety standard traditionally has focused on performance rather than chemical composition and has never required the label to include the fluid's composition even though fluids have many different compositions. Nevertheless, the agency notes that this amendment is based on a distinction between SBBFs and non-SBBFs related to miscibility, a factor relevant to the standard's test procedure for compatibility.

The agency notes that a manufacturer may include additional labeling information about a fluid's other features, such as corrosion protection, provided that the additional information does not confuse or obscure the meaning associated with the required information.

Bendix suggested that for the purposes of fluid identification via color coding, the DOT 5 fluids be differentiated on the basis of "stratification when tested according to S6.10.3's" compatibility test. NHTSA notes that "stratification" (i.e., the separation into definite layers between portions of different non-homogenous materials in a mixture) may be difficult to determine in practice for some new fluids. Therefore, such a test would be difficult to enforce. In the case of differentiating SBBFs from non-SBBFs, the agency anticipates the possible development of newer non-SBBFs in which there is incomplete stratification (i.e., incomplete miscibility). Such fluids would be difficult to define. NHTSA also considered and rejected differentiating fluids on the basis of being ethers or esters because such a classification would lead to many subclasses which might increase the potential for confusion.

NHTSA tentatively believes that the best way to differentiate DOT 5 fluids is through a definition that specifies that a fluid is either a SBBF or a non-SBBF. Standard 116 would adopt the definition for silicone base brake fluid that is currently defined in the military specification, "Brake Fluid, Silicone, Automotive, All Weather, Operational and Preservative, Metric," MIL-B-46176A, (29 April 1986, amended 5 August 1988). That provision states that "The material covered by this specification shall contain not less than 70 percent by weight of a diorgano polysiloxane and shall be a bluish purple color." The agency believes that adopting this definition will enable SBBFs to be differentiated from other DOT 5 fluids, while avoiding potential ambiguities caused by incomplete stratification during testing. In addition, since the military specification's definition is used by the military and the Postal Service, the principal users of silicone base brake fluid, the agency does not anticipate a significant conflict for current users by incorporating this specification into Standard No. 116. Accordingly, section S4 would be amended to include a definition for "silicone base brake fluid" adopted from the military specification.

Test Procedures

Bendix requested that any DOT 5 non-SBBF be required to comply with all performance requirements, even those requirements from which DOT 5 fluids have been exempt. As initially promulgated, the DOT 5 fluids were exempted from the pH value requirements in S5.1.4 and the chemical stability requirements in S5.1.5.2 because these requirements were unnecessary for DOT 5 fluids which, at the time, were typically SBBFs. The agency notes that the exemptions afforded to the SBBFs are inappropriate for the DOT 5 non-SBBFs. Accordingly, the agency has decided to propose that any non-SBBF, including a DOT 5 non-SBBF, must comply with the requirements for pH value, chemical stability, and compatibility (including that requirement relating to stratification).

The agency notes that in addition to the petitioner's recommendations to amend certain test procedures in Standard No. 116, there are several

other test procedures that should be amended to test DOT 5 non-SBBFs more accurately. For instance, the agency believes that the procedure which evaluates water tolerance should be amended to require the DOT 5 non-SBBF to be tested in a manner consistent with DOT 3 and DOT 4 non-SBBFs rather than like DOT 5 SBBFs. As a result, paragraph S6.9.1 would be amended to require DOT 5 non-SBBF to be mixed with 3.5 percent water rather than humidified. The agency notes that this is consistent with the current European testing practices for DOT 5 non-SBBF.

Standard No. 116 currently requires isopropanol for DOT 5 tests and ethanol for DOT 3 and DOT 4 tests, including the pH test to which DOT 5 fluids have not been subject. The agency believes that requiring ethanol to be used to test DOT 5 non-SBBFs. However, because of its incomplete knowledge in this area, the agency welcomes comments about whether ethanol could properly be used to test DOT 5 non-SBBFs.

Paragraph S6.2 sets forth a test procedure to determine a brake fluid's wet ERBP. NHTSA, the SAE, and the ISO have been concerned with the repeatability of the humidification test procedure. Accordingly, the agency has tentatively decided to modify that test procedure to better ensure the repeatability and thus enforceability of the test. In particular, the test would be modified to have a duration of 22 to 24 hours rather than the current 14 to 16 hours, a time frame which resulted in testing inaccuracies because samples were left out overnight. The agency tentatively believes that new test procedure would better permit the regular shift personnel to complete the measurements in a more timely fashion, thus reducing the possibility of errors. As a result of this proposed modification, 350 ml rather than 150 ml of brake fluid would be tested. The agency notes that this amount of fluid is consistent with the SAE procedure as used in the SAE standard, *Motor Vehicle Brake Fluid,* SAE J1703, April 1988.

The agency is proposing a second modification to the humidification test procedure that would require the test fluid and the TEGME sample to be placed in the same desiccator. This procedure, which is known as using a "double-sampled desiccator," has been fully developed by SAE and is now a part of the procedure in standard J1703. The agency anticipates that this change would reduce inconsistent results caused by variations in the sample's placement in the test oven. Accordingly, these modifications are incorporated into this proposal implementing the Bendix petition, because the agency tentatively believes that they would enhance the repeatability of Standard 116's humidification test.

NHTSA notes that several of the provisions in Standard No. 116 are outdated and no longer relevant. For instance, section S6.2.4(b) states that "[u]ntil November 3, 1986, a manufacturer may * * *" conduct the test in a specified manner. The agency takes this opportunity to update and simplify the standard by deleting references to provisions that are no longer in effect and renumbering the standard to reflect the modifications. These "housekeeping" modifications result in no substantive changes to any requirement. Rather, they merely delete requirements that are no longer in effect.

Impacts

NHTSA has examined the effect of this rulemaking action and determined that it is not "major" within the meaning of Executive Order 12291 or "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. The agency believes that to require DOT 5 non-SBBFs to be colorless to amber, to require this distinction to be included on the label, and to subject DOT 5 non-SBBFs to additional testing would not significantly increase the cost of brake fluid, or the cost of packaging. In fact, consumer costs might be reduced because this rulemaking might facilitate the introduction into the market of less expensive non-SBBFs of DOT 5 grade.

NHTSA believes that the adoption of this rule would not significantly increase the burdens for any party, even though DOT 5 non-SBBFs would be subject to additional tests and labels on DOT 5 fluid would be required to include whether the fluid was SBBF or non-SBBF. The agency views these modifications as necessary and relatively easily accomplished for the new type of DOT 5 fluids. The agency welcomes any comments that would more precisely estimate the unit cost and aggregate cost associated with this proposal. Because NHTSA tentatively believes that the impacts of this rule would be minimal, it has not prepared a full regulatory evaluation.

NHTSA has also considered the impacts of this rule on small entities, as required by the Regulatory Flexibility Act. Based on this consideration, I hereby certify that this rule would not have a significant economic impact on a substantial number of small entities. Any fluid manufacturer qualifying as a small business under the Regulatory Flexibility Act might benefit by the changes proposed in this rule, which accommodates the development of the new non-SBBFs. As noted above, the additional labeling and testing costs appear to be nominal. Therefore, NHTSA believes that the amendments proposed in this notice should not result in significant cost impacts for any party.

Small governmental units and small organizations are generally affected by amendments to the Federal motor vehicle safety standards as purchasers of new motor vehicles and motor vehicle equipment. However, the agency believes that these entities would not significantly be affected by the proposals in this notice since the change would not significantly affect the price of motor vehicle brake fluids.

Finally, NHTSA has considered the environmental implications of this rule in accordance with the National Environmental Policy Act and determined that this rule will not significantly affect the human environment.

Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

Comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. The NHTSA will

continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of thier comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that 49 CFR 571.116, *Motor Vehicle Brake Fluids*, be amended as follows:

1. The authority citation for part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.116 [Amended]

2. S4 would be amended to include the following definition for "silicone base brake fluid" (SBBF) which would appear alphabetically.

* * * * *

A "silicone base brake fluid" (SBBF) is a brake fluid which consists of not less than 70 percent by weight of a diorgano polysiloxane.

* * * * *

3. Paragraph S5 would be revised to read as follows:

S5 *Requirements:* This section specifies performance requirements for DOT 3, DOT 4, and DOT 5 brake fluids; requirements for brake fluid certification; and requirements for container sealing, labeling, and color coding for brake fluids and hydraulic system mineral oils. Where a range of tolerances is specified, the brake fluid must be capable of meeting the requirements at all points within the range.

3. Paragraph S5.1.4 would be revised to read as follows:

S5.1.4 *pH value.* When brake fluid, except DOT 5 SBBF, is tested according to S6.4, the pH value shall not be less than 7.0 nor more than 11.5.

4. Paragraph S5.1.5.2 would be revised to read as follows:

S5.1.5.2 *Chemical stability.* When brake fluid, except DOT 5 SBBF, is tested according to S6.5.4, the change in temperature of the refluxing fluid mixture shall not exceed 3.0° C. (5.4° F.) plus 0.05° for each degree that the ERBP of the fluid exceeds 225° C. (437° F.).

5. Paragraph S5.1.6(f) would be revised to read as follows:

(f) The pH value of water-wet brake fluid, except DOT 5 SBBF, at the end of the test shall not be less than 7.0 nor more than 11.5;

6. Paragraph S5.1.10 would be revised to read as follows:

S.5.1.10 *Compatibility.*

(a) *At low temperature.* When brake fluid is tested according to S6.10.3(a), the test specimen shall show no sludging, sedimentation, or crystallization. In addition, fluids, except DOT 5 SBBF, shall show no stratification.

(b) *At 60° C. (140° F.).* When brake fluid is tested according to S6.10.3(b)—

(1) Sedimentation shall not exceed 0.05 percent by volume after centrifuging; and

(2) Fluids, except DOT 5 SBBF, shall show no stratification.

7. Paragraph S5.1.14 would be revised to read as follows:

S5.1.14 *Fluid color.* Brake fluid and hydraulic system mineral oil shall be of the color indicated: DOT 3, DOT 4, and DOT 5 non-SBBF—colorless to amber, DOT 5 SBBF—purple and Hydraulic system mineral oil—green.

8. Paragraph S5.2.2.1(b) would be revised to read as follows:

(b) The grade (DOT 3, DOT 4, DOT 5) of the brake fluid. If DOT 5 grade brake fluid, it shall be further distinguished as "Silicone Base" or "Non-Silicone Base."

9. Paragraph S5.2.2.2(e) would be revised to read as follows:

(e) Designation of the contents as "DOT____ Motor Vehicle Brake Fluid" (Fill in DOT 3, DOT 4, DOT 5 Silicone Base, or DOT 5 Non-Silicone Base as applicable).

10. Paragraph S5.2.2.2(g)3 would be revised to read as follows:

3. Store Brake Fluid Only in its Original Container. Keep Container Clean and Rightly Closed to Prevent Absorption of Moisture.

* * * * *

11. The sentence following the heading of section S6, *Test Procedures*, would be removed.

12. Paragraph S6.2.1 would be revised to read as follows:

S6.2.1. *Summary of procedure.* A 350 ml. sample of the brake fluid is humidified under controlled conditions; 350 ml. of SAE triethylene glycol monomethyl ether, brake fluid grade, referee material (TEGME) as described in Appendix E of SAE Standard J1703 Nov. 83, "Motor Vehicle Brake Fluid," November 1983, is used to establish the end point for humidification. After humidification, the water content and ERBP of the brake fluid are determined.

13. Paragraph S6.2.2 would be revised to read as follows:

S6.2.2 *Apparatus for humidification.* (See Figure 3) Test apparatus shall consist of—

(a) *Glass jars.* Four SAE RM–49 corrosion test jars or equivalent screwtop, straight-sided, round glass jars each having a capacity of about 475 ml. and approximate inner dimensions of 100 mm. in height by 75 mm. in diameter, with matching lids having new, clean inserts providing water-vapor-proof seals;

(b) *Desiccator and cover.* Two bowl-form glass desiccators, 250-mm. inside diameter, having matching tubulated covers fitted with No. 8 rubber stoppers; and

(c) *Desiccator plate.* Two 230-mm. diameter, perforated procelain desiccator plates, without feet, glazed on one side.

14. Paragraph S6.2.3 would be revised to read as follows:

S6.2.3 *Reagents and materials.*

(a) Distilled water, see S7.1.

(b) SAE TEGME referee material.

15. Paragraph S6.2.4 would be revised to read as follows:

S6.2.4 *Preparation of apparatus.*

Lubricate the ground-glass joint of the desiccator. Pour 450 ± 10 ml of distilled water into each desiccator and insert perforated porcelain desiccator plates. Place the desiccators in an oven with temperature controlled at 50 ± 1°C. (122 ± 1.8° F.) throughout the humidification procedure.

16. Paragraph S6.2.5 would be revised to read as follows:

S6.2.5 *Procedure.*

Pour 350 ± 5 ml of brake fluid into an open corrosion test jar. Prepare in the same manner a duplicate test fluid sample and two duplicate specimens of the SAE TEGME referee material (350 ± 5 ml of TEGME in each jar). The water content of the SAE TEGME fluid is adjusted to 0.50 ± 0.05 percent by weight at the start of the test in accordance with S7.2. Place one sample each of the test brake fluid and the prepared TEGME sample into the same desiccator. Repeat for the second sample of test brake fluid and TEGME in a second desiccator. Place the desiccators in the 50°C. (122°F.) controlled oven and replace desiccator covers. At intervals, during oven humidification, remove the rubber stoppers in the tops of desiccators. Using a long needled hypodermic syringe, take a sample of not more than

2 ml from each TEGME sample and determine its water content. Remove no more than 10 ml of fluid from each SAE TEGME sample during the humidification procedure. When the water content of the SAE fluid reaches 3.70 ± 0.05 percent by weight (average of the duplicates), remove the two test fluid specimens from their desiccators and promptly cap each jar tightly. Allow the sealed jars to cool for 60 to 90 minutes at 23° ± 5°C. (73.4° ± 9° F.). Measure the water contents of the test fluid specimens in accordance with S7.2 and determine their ERBP's in accordance with S6.1. If the two ERBPs agree within 4°C. (8°F.), average them to determine the wet ERBP; otherwise repeat and average the four individual ERBPs as the wet ERBP of the brake fluid.

17. Figure 3, "Humidification Apparatus" would be revised by substituting the term "distilled water" in place of "salt slurry." In addition, it would be revised by removing "45 ± 7 mm." Note: Figure 3 would be reprinted in the final rule.)

18. Paragraph S6.5.4.1 would be revised to read as follows:

S6.5.4.1 *Materials.*

SAE RM–66–03 Compatibility Fluid as described in Appendix A of SAE Standard, J1703 Nov83, "Motor Vehicle Brake Fluid," November 1983.

19. Paragraph S6.5.4.2 would be amended by revising the first sentence of paragraph (a) and by revising paragraph (b) to read as follows:

S6.5.4.2 *Procedure.*

(a) Mix 30 ± 1 ml of the brake fluid with 30 ± 1 ml of SAE RM–66–03 Compatibility fluid in a boiling point flask (S6.1.2(a)). * * *

(b) Thermometer and barometric corrections are not required.

20. Paragraph S6.6.4 would be revised by replacing the reference to "DOT 5 fluids" with "DOT 5 SBBF fluids."

21. Paragraph S6.6.5 would be revised by replacing the first sentence with the following sentence:

S6.6.5 *Procedure.* Rinse the cups in ethanol (isopropanol when testing DOT 5 SBBF fluids) for not more than 30 seconds and wipe dry with a clean lint-free cloth.

22. Paragraph S6.6.5 would be further amended by replacing the fifth sentence, which begins "When testing DOT 3 and DOT 4 brake fluids * * *" with the following sentence: "When testing brake fluids, except DOT 5 SBBF, mix 760 ml. of brake fluid with 40 ml. of distilled water. When testing DOT 5 SBBFs, huumidify 800 ml. of brake fluid in accordance with S6.2, eliminating determination of the ERBP. Using this water-wet mixture, cover each strip assembly to a minimum depth of 10 mm. above the tops of the strips.

23. Paragraph S6.6.5 would be further amended to have the second to last and last sentences to read as follows:

Measure the pH value of the corrosion test fluid according to S6.4.6.

Measure the pH value of the test mixture according to S6.4.6.

24. Paragraph S6.9.1 would be revised to read as follows:

S6.9.1 *Summary of the procedure.*

Brake fluid, except DOT 5 SBBF, is diluted with 3.5 percent water (DOT 5 SBBF is humidified), then stored at minus 40°C. (minus 40°F.) for 120 hours. The cold, water-wet fluid is first examined for clarity, stratification, and sedimentation, then placed in an oven at 60°C. (140°F.) for 24 hours. On removal, it is again examined for stratification, and the volume percent of sediment determined by centrifuging.

25. Paragraph 6.9.3(a) would be amended by adding "SBBF" after "DOT 5" in the first sentence. In the second sentence, the words "DOT 3 and DOT 4" before the words "brake fluids" would be removed and "except DOT 5 SBBF" would be added after the words "brake fluids."

26. Paragraph S6.10.1 would be revised to read as follows:

S6.10.1 *Summary of the procedure.*

Brake fluid is mixed with an equal volume of SAE RM–66–03 Compatibility Fluid, then tested in the same way as for water tolerance (S6.9) except that the bubble flow time is not measured. This test is an indication of the compatibility of the test fluid with other motor vehicle brake fluids at both high and low temperatures.

27. Paragraph S6.10.2(e) would be revised to read as follows:

SAE RM–66–03 Compatibility Fluid. As described in Appendix A of SAE Standard J1703 Nov. 83, "Motor Vehicle Brake Fluid," November 1983.

28. Paragraph S6.10.2(f) would be removed.

29. Paragraph S6.10.3 would be revised to read as follows:

S6.10.3 *Procedure*

(a) *At low temperature.*

Mix 50 ± 0.5 ml. of brake fluid with 50 ± 0.5 ml. of SAE RM–66–03 Compatibility Fluid. Pour this mixture into a centrifuge tube and stopper with a clean dry cork. Place tube in the cold chamber maintained at minus 40° ± 2°C. (minus 40° ± 3.6°F.) After 24 ± 2 hours, remove tube, quickly wipe with a clean lint-free cloth saturated with ethanol (isopropanol when testing DOT 5 fluids) or acetone. Examine the test specimen for evidence of sludging, sedimentation, or crystallization. Test fluids, except DOT 5 SBBF, shall be examined for stratification.

(b) *At 60°C. (140°F.)*

Place tube and test fluid from S6.10.3(a) for 24 ± 2 hours in an oven maintained at 60° ± 2°C. (140° ± 3.6°F.). Remove the tube and immediately examine the contents of the test mixtures, except DOT 5 SBBFs, for evidence of stratification. Determine percent sediment by centrifuging as described in S7.5.

30. Paragraph S6.11.1 would be revised to read as follows:

S6.11.1 *Summary of procedure.*

Brake fluids, except DOT 5 SBBF, are activated with a mixture of approximately 0.2 percent benzoyl peroxide and 5 percent water. DOT 5 SBBF is humidified in accordance with S6.2 eliminating determination of the ERBP, and then approximately 0.2 percent benzoyl peroxide is added. A corrosion test strip assembly consisting of cast iron and an aluminum strip separated by tinfoil squares at each end is then rested on a piece of SBR WC cup positioned so that the test strip is half immersed in the fluid and oven-aged at 70° C. (158°F.) for 168 hours. At the end of this period, the metal strips are examined for pitting, etching, and weight loss.

31. Paragraph S6.11.4(b) would be revised to read as follows:

(b) *Test mixture*

Place 30 ± 1 ml. of the brake fluid under test in a 22 by 175 mm. test tube. For all fluids except DOT 5 SBBF, add 0.060 ± .002 grams of benzoyl peroxide, and 1.50 ± 0.05 ml. of distilled water. For DOT 5 SBBF, use test fluid humidified in accordance with S6.2, and add only the benzoyl peroxide. Stopper the tube loosely with a clean dry cork, shake, and place in an oven for 2 hours at 70° ± 2°C. (158° ± 3.6°F.). Shake every 15 minutes to effect solution of the peroxide, but do not wet cork. Remove the tube from the oven and allow to cool to 23° ± 5° C. (73.4° ± 9° F.) Begin testing according to paragraph S6.11.5 not later than 24 hours after removal of tube from oven.

32. Paragraph S7.2 would be amended to remove subparagraph S7.2(b), and S7.2(a) would be redesignated S7.2.

Issued on: February 26, 1990.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 90–4701 Filed 3–1–90; 8:45 am]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 55, No. 42
Friday, March 2, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review; Application

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Douglas J. Aller, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. An original and five (5) copies should be submitted not later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 90–00004." A summary of the application follows.

Summary of the Application

Applicant: Dimick International & Associates, Inc. (DIA), 4550 NW. 9th Street, #118E, Miami, Florida 33126, Contact: Douglas R. Dimick, President, Telephone: (305) 443–6953

Application No.: 90–00004

Date Deemed Submitted: February 15, 1990

Members (in addition to applicant):
None

Export Trade:

Products

All Products.

Services

All Services.

Technology Rights

Technology rights, including patents and trademarks, related to Products and Services.

Export Trade Facilitation Services (as they relate to the export of Products)

Export Trade Facilitation Services, including consulting; research on overseas markets; market analysis and strategy; collection of information on trade opportunities; arranging for exporter risk coverage with the Export-Import Bank; legal assistance; services related to compliance with customs requirements; transportation; facilitating the formation of shippers associations; and financing.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Pureto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

To engage in Export Trade in the Export Markets, DIA may:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;
2. Enter into exclusive licensing agreements with Suppliers for the export of Products, Services, and Technology Rights to the Export Markets;
3. Allocate export sales or divide the Export Markets among clients for the sale and/or licensing of Products, Services, and Technology Rights;
4. Establish the price of Products, Services, and Technology Rights for sale and/or licensing in the Export Markets;
5. Negotiate and manage licensing agreements for the export of Technology Rights; and
6. Collect information on export opportunities and distribute such information to clients.

Definition

"Supplier" means a person who produces, provides, or sells Products, Services, or Technology Rights.

Dated: February 26, 1990.

Douglas J. Aller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 90–4747 Filed 3–1–90; 8:45 am]

BILLING CODE 3510-DR-M

Short Supply Review; Certain Type 430 Stainless Steel Wire Rod

AGENCY: Import Administration/ International Trade Administration, Commerce.

ACTION: Notice of short-supply review and request for comments: Certain type 430 stainless steel wire rod.

SUMMARY: The Secretary of Commerce ("Secretary") hereby announces a review and request for comments on a short-supply request for 1,710 metric tons of various sizes of certain type 430

stainless steel wire rod under Article 8 of the U.S. SEC steel arrangement.

SHORT-SUPPLY REVIEW NUMBER: 11.

SUPPLEMENTARY INFORMATION: Pursuant to section 4(b)(3)(B) of the Steel Trade Liberalization Program Implementation Act, Pub. L. No. 101–221, 103 Stat. 1886 (1989) ("the Act"), and Section 357.104(b) of the Department of Commerce's Short-Supply Regulations, published in the **Federal Register** on January 12, 1990, 55 FR. 1348 ("Commerce's Short-Supply Regulations"), the Secretary hereby announces that a short-supply determination is under review with respect to certain type 430 stainless steel wire rod. On February 27, 1990, the Secretary received an adequate short-supply petition from the American Wire Producers Association (AWPA), on behalf of four domestic wire redrawers, for 1,710 metric tons of this product under Paragraph 8 of the arrangement Between the European Coal and Steel Community and the European Economic Community, and the Government of the United States of America Concerning Trade in Certain Steel Products.

The requested product meets the specifications for type 430 stainless steel wire rod with the exception of the maximum carbon content. In this request, the carbon level cannot exceed 0.04 percent. The sizes and quantity requested for each size are as follows:

Diameter (Millimeters)	Quality (Metric Tons)
5.5 to 6.0	1,470
7.0	65
9.5	60
12.5	20
13.5	35
17.5	40
20.0	20

Section 4(b)(4)(B)(i) of the Act and § 357.106(b)(1) of Commerce's Short-Supply Regulations require the Secretary to make a determination with respect to a short-supply petition not later than the 15th day after the petition is filed if the Secretary finds that one of the following conditions exists: (1) The raw steelmaking capacity utilization in the United States equals or exceeds 90 percent; (2) the importation of additional quantities of the requested steel product was authorized by the Secretary during each of the two immediatley preceding years; or (3) the requested steel product is not produced in the United States. Because the Secretary has made affirmative short-supply determinations for this product in each of the past two years, a decision will be made no later than March 14, 1990. In accordance with section 4(b)(4)(B)(i)(II) of the act and § 357.106(b)(1)(ii) of Commerce's Short-Supply Regulations, the Secretary is applying a rebuttable presumption that this product is presently in short supply. Unless domestic steel producers provide comments in response to this notice indicating that they can and will supply this product within the requested period of time, provided it represents a normal order-to-delivery period, the Secretary will issue a short-supply allowance not later than March 14, 1990.

Comments: Interested parties wishing to comment on this review must send written comments not later than March 9, 1990, to the Secretary of Commerce, Attention: Import Administration, Room 7866, U.S. Department of Commerce, Pennsylvania Avenue and 14th street, NW., Washington, DC 20230. All documents submitted to the Secretary shall be accompanied by four copies. Interested parties shall certify that the factual information contained in any submission they make is accurate and complete to the best of their knowledge.

Any person who submits information in connection with a short-supply review may designate that information, or any part thereof, as proprietary, thereby requesting that the Secretary treat that information as proprietary. Information that the Secretary designates a proprietary will not be disclosed to any person (other than officers or employees of the United States Government who are directly concerned with the short-supply determination) without the consent of the submitter unless disclosure is ordered by a court of competent jurisdiction. Each submission of proprietary information shall be accompanied by a full public summary or approximated presentation of all proprietary information which will be placed in the public record. All comments concerning this review must reference the above-noted short-supply review number.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration. U.S. Department of Commerce, Room 7866, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230, (202) 377–0159.

Dated: February 28, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90–4951 Filed 3–1–90; 8:45 am]

BILLING CODE 3510–DS–M

National Institute of Standards and Technology

[Docket No. 900104–0004]

RIN 0693–AA81

Proposed Revision of Federal Information Processing Standard (FIPS) 54, Computer Output Miroform (COM) Formats and Reduction Ratios, 16mm and 105mm

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; Request for comments.

SUMMARY: A revision to Federal Information Processing Standard (FIPS) 54 adopting the ANSI/AIIM MS5–1985, American National Standard for Information and Image Management—Microfiche, and the applicable sections and appendices for 16mm microfilm using reduction ratios of 1:24 and 1:48 in the simplex formats of ANSI/AIIM MS14–1988, American National Standard for Information and Image Management—Specifications for 16mm and 35mm Roll Microfilm, is proposed for Federal agency use.

Prior to the submission of this proposed revision to the Secretary of Commerce for review and approval, it is essential to assure that consideration is given to the needs and views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

This proposed revision contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specification section. Only the announcement section of the standard is provided in this notice. Interested parties may obtain copies of the specifications from the Standards Processing Coordinator (ADP), National Institute of Standards and Technology, Technology Building, room B–64, Gaithersburg, MD 20899, telephone (301) 975–2816.

DATES: Comments on this proposed revision must be received on or before May 31, 1990.

ADDRESSES: Written comments concerning the revision should be sent to: Director, National Computer Systems Laboratory, ATTN: Revision of FIPS 54, Technology Building, room B154, National Institute of Standards and Technology, Gaithersburg, MD 20899.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, room 6628, Herbert

C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas C. Bagg, National Institute of Standards and Technolopgy, Gaithersburg, MD 20899, telephone (301) 975–2909.

Dated: February 26, 1990.

John W. Lyons,

Director.

Federal Information Processing Standards Publication 54–1

(Date)

Annoucning the Standard for Computer Output Microform (COM) Formats and Reduction Ratios, 16mm and 105mm

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

Name of Standard. Computer Output Microform (COM) Formats and Reduction Ratios, 16mm and 105mm.

Category of Standard. Hardware Standard, Media.

Explanation. This Federal Information Processing Standard announces the adoption of American National Standard for Information and Image Management—Microfiche, ANSI/AIIM MS5–1985, and American National Standard for Information and Image Management—Specifications for 16mm and 35mm Roll Microfilm, ANSI/AIIM MS14–1988. This FIPS specifies the image arrangement, size, and reduction ratios for 16mm and 105mm microforms generated by Computer Output Microfilmers. It is limited to systems using business-oriented fonts similar to line printer output.

Approving Authority. Secretary of Commerce.

Maintenance Agency. U.S. Department of Commerce, National Institute of Standards and Technology, National Computer Systems Laboratory.

Cross Index. American National Standard for Information and Image Management—Microfiche, ANSI/AIIM MS5–1985, and American National Standard for Information and Image Management—Specifications for 16mm and 35mm Roll Microfilm, ANSI/AIIM MS14–1988.

Related Documents.

a. Related documents are listed in the Reference Sections of ANSI/AIIM MS5–1985 and ANSI/AIIM MS14–1988.

b. Federal Information Resource Management Regulation 201–39, Acquisition of Federal Information Processing Resources by Contracting.

Objectives. The primary objectives of this standard are:

—To achieve uniform microform formats for the outputs of Computer Output Microfilmers.

5—To provide microforms which are cost-effective in producing computer generated reports, listing, etc.

—To provide microforms which can economically be duplicated, widely distributed, and stored.

—To minimize the variety (and therefore costs) of equipment required to reproduce and view the microforms.

Applicability. This standard is applicable to those microforms which are computer generated in lieu of line-printer output using plain type faces. It does not cover engineering drawings or microphoto-composition using complex graphics or graphic arts fonts and formats, nor does it cover special systems using two-step reduction techniques. Standards for these applications will be developed as required.

The microform formats and reduction ratios specified herein are mandatory for the acquisition of new Federal Government computer output microform systems and applications.

Users of existing COM systems and applications are encouraged to utilize this standard. Systems and applications not in accordance with this standard should be evaluated periodically by Federal agencies and the merits of converting to the standard considered.

Specifications. This standard adopts ANSI/AIIM MS5–1985, American National Standard for Information and Image Management—Microfiche, and the applicable sections and appendices for 16mm microfilm using reduction ratios of 1:24 and 1:48 in the simplex formats of ANSI/AIIM MS14–1988, American National Standard for Information and Image Management—Specifications for 16mm and 35mm Roll Microfilm.

Implementation Schedule. This revised standard is effective September 4, 1990. Microforms produced by or for Federal agencies and equipment or services acquired after the effective date of this FIPS PUB must be in conformance with the specifications contained herein. Exceptions to this standard are made in the following cases:

a. For microforms, equipment, or services produced, procured, or on order prior to the effective date of this FIPS PUB.

b. Where procurement actions are into the solicitation phase (i.e., Requests for Proposals or Invitations for Bids have been issued) on the effective date of this FIPS PUB.

Special Information. This FIPS permits only two effective reduction ratios, namely 1:24 and 1:48. It is recognized that a number of Government agencies have already acquired and are using systems at a 1:42 reduction. The implementation of this standard is not intended to cause replacement of these systems but is directed toward future COM acquisitions and applications as described. Since current technology permits adequate image quality in both image and display devices and allows for higher information density packing, the reduction ratio of 1:48 is specified in this standard instead of the 1:42 ratio. Current readers with a 42:1 magnification can be used effectively for viewing 1:48 recorded images made according to the specifications.

Waivers. Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of Title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; ATTN: FIPS Waiver Decisions, Technology Building, room B–154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and

shall be published promptly in the **Federal Register.**

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the "Commerce Business Daily" as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is pubished, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

[FR Doc. 90-4825 Filed 3-1-90; 8:45 am]

BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

Strategic Research Plan; Critical Marine Resource and Environment Issues

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Strategic Research Plan; Notice of Publication.

SUMMARY: Section 206 of the National Sea Grant College Program Act of 1987 requires the National Sea Grant Office develop a plan for addressing critical marine resource and environmental issues requiring large scale, fundamental, or long range research and to publish this Plan in the **Federal Register.** This Notice publishes the Plan. Comments are welcome.

FOR FURTHER INFORMATION CONTACT: Dr. David H. Attaway, Acting Head, Living Resources Division, National Sea Grant College Program, 6010 Executive Boulevard, Rockville, Maryland 20852, telephone (301) 443-5940.

SUPPLEMENTARY INFORMATION:

A Strategic Research Plan for the Nation's Coastal Oceans: A Focus on Restoration of Resources

Contents

Summary

Recent legislation reauthorizing the National Sea Grant College Program specifies a new effort in strategic research. It requires development and publication of a plan for this research which is based on broad consultation with individuals and organizations knowledgeable of marine and Great Lakes affairs and needs. The law recognizes the strength and capability of Sea Grant in—

—Mobilizing interdisciplinary expertise,
—Sustained programmatic research,
—Technology transfer, and
—Education.

The legislation also recognizes that the requirement for non-Federal matching support has precluded Sea Grant programs from addressing certain critical resource and environmental issues because of their—

—Large scale,
—Fundamental nature,
—Long-term aspects, or
—Need for broad involvement of universities and other organizations.

A panel of experts analyzed suggestions for strategic research that were submitted by representatives of a spectrum of industrial, academic, and governmental organizations. The discussion below presents the results of this analysis. The corresponding plan concludes that the problems of highest priority for coastal oceanography deal with—

—Water quality,
—Biological productivity, and
—Physical changes in coastal areas.

In dealing with problems in these broad categories the plan emphasizes the need—

—To design national or regional approaches to problems and opportunities,
—To integrate policy and socio-economic considerations, and
—To set realistic goals for solving or ameliorating problems or capitalizing on opportunities.

The topics identified for strategic research relate closely to the thematic elements of the Coastal Ocean Initiative of the National Oceanic and Atmospheric Administration (NOAA)—

—Environmental quality,
—Fisheries productivity, and
—Coastal hazards.

They agree substantively with the priorities of the U.S. Global Ocean Science Program, especially in two areas—

—Global ecosystems and productivity processes, and
—Coastal margins and polar ocean processes.

Finally, the plan addresses the following two technologies whose further development and application would be broadly useful in addressing problems in coastal oceanography—

—Remote sensing, and
—Artificial intelligence.

These considerations effectively define the research to be conducted under Section 206, Strategic Marine Research Program, of the National Sea Grant College Program Act of 1987. The act requires that this research be critical to advancing national interests on a scale, or of a nature, not competitive with the core matched-grant program. It must be managed in a purposeful manner to meet clearly defined goals. Further, the National Sea Grant Office (NSGO) shall work with the Sea Grant network and other organizations to develop specific program strategies which will provide the intellectual framework and basis for defining the fiscal and other resources required to initiate and conduct this program.

Upon initiation of the Strategic Research Program the NSGO will solicit proposals from individuals, organizations or consortia which meet the defined criteria. Those proposals will be generated through a collegial process involving resource managers, researchers, policy makers, and representatives of commerce and industry. These comprehensive proposals will recognize the importance of technology transfer, public education, and information as integral to the research mission. Projects may cover activities of up to three years duration. They may recommend managerial structures alternative or supplemental to direct management by the scientific staff of NSGO.

Introduction

Public Law 100-220, which reauthorizes the National Sea Grant College Program, calls for a program of strategic research. It requires development and publication of a plan for this research following broad consultation with individuals and organizations knowledgeable of marine and Great Lakes affairs. The law recognizes the strength and capability of Sea Grant in mobilizing interdisciplinary expertise for sustained programmatic research and technology transfer. It notes that inadequate funding and the requierment for non-federal matchiang support has precluded Sea Grant from addressing certain critical resource and environmental issues because of their large scale, fundamental nature, long-

range aspects, or the need for very broad involvement of universities and other agencies. Recognizing that the National Sea Grant College Program is the nation's principal source of academic research for coastal oceans and estuaries, Congress assigned it the responsibility for the Strategic Research Program. It further recognized that Sea Grant alone among governmental programs exhibits the unique breadth of capability in research, education and technology transfer required to deal with the myriad and complex problems of oceanography, water quality, aquaculture, marine biotechnology, fisheries, ocean and coastal engineering, and marine technology, economics and policy. Sea Grant uniquely provides a vital link between marine science and public policy. From the beginning, its orientation to natural resource problems and commercial opportunities required that it be multidisciplinary in approach and allied it in effective partnerships with industry and government. Moreover, Sea Grant is the primary U.S. agent for research on the Great Lakes, which apart from their own intrinsic value serve as a crucial laboratory in improving the base of scientific knowledge of vital processes common to all large aquatic environments.

Sixty-three individuals submitted scores of suggestions for strategic research. These individuals represented—

—Industrial firms and trade organizations,
—Marine laboratories and universities,
—Major marine advisory boards,
—Agencies of state government, and
—Units of the Federal government.

NOAA convened a panel [1] to review the suggestions and to advise on the general character and direction for the strategic research program. The panel noted that most of the suggested topics may be grouped into three interrelated categories—

—Coastal water quality,
—Physical changes in coastal areas, and
—Biological productivity.

The panel concluded that lack of interdisciplinary and fundamental understanding of physical, chemical and biological processes in coastal areas of the oceans and Great Lakes hinders development of effective policies for managing natural resources and restoring or rehabilitating degraded environments and resources.

The panel further noted that new technology and innovative application of technology from other fields could aid in solving problems and generating data for research in coastal environments. For example, biotechnological techniques and processes may be applied to assessing and restoring contaminated environments. New technologies in medicine, robotics, and artificial intelligence may have potential for providing experiemental and analytical methods for better understanding coastal processes. Broader use of remote sensing technology may be especially important. The panel noted that inadequate attention has been given to socioeconomic and policy issues in setting priorities and in designing programs of research.

The panel urged NOAA to commit to strategic research that, in the long run, will advance the nation's capability to develop, manage, and restore its marine and coastal resources. To do so, the panel endorsed a research course that would comprehensively address coastal water quality, biological resource productivity, and nearshore physical changes.

Background

Over the past few years the scientific community has made a remarkable intellectual alignment with large scale approaches to studying natural processes and man's impact on them. Given the number of people, disciplines, and sponsors involved, the themes are surprisingly similar: A focus on change, a need for coordinated long-term effort involving multiple disciplines, institutions and sponsors, and the need for an integrated theme and approach to fundamental questions.

The reasons for this development are many, but a root cause is concern over global environmental change—a concern driving much of the anticipated effort. In fact, the term "global change" is increasingly used to describe the basis of the unified scientific effort.

It is the need to understand the impact of man-made changes of the environment within the context of natural processes, however, that causes the greatest concern. Such impacts, or potential impacts, include those caused by ozone depletion, the "greenhouse effect" and posible sea-level rise, overfishing of stocks, habitat destruction, and the release of toxic chemicals and pathogenic organisms into the environment. Because of their complexity, it is impossible to understand these concerns in isolation, much less to design societal responses that have a legitimate and scientific basis.

This movement in the geosciences is leading to a coalescence among scientific disciplines and to a comprehensive, integrated approach to marine problems. Many geoscientists agree on new research initiatives directed to global oceanic and climatic nearshore and estuarine processes, ocean lithospheric processes, and biological productivity. Proponents have called for a multidisciplinary, multi-agency approach to provide an opportunity for enhanced development and use of new technologies in geoscience study, including rapid development of satellite oceanography and state-of-the-art data-handling capabilities.

Much of this effort is underway, with a number of programmatic components in various stages of development. For example, cooperative efforts by several agencies involved in the marine sciences have lead to an interagency report, the U.S. Global Ocean Science Program (USGOSP) which represents the first stage of a coordinated effort in strategic planning by federal agencies. It is clear that the National Sea Grant College Program has a substantial potential role in this program and that a significant portion of it coincides with the identified needs in strategic research, particularly in two major areas of USGOSP—

—Global ecosystems and productivity processes, and
—Coastal margins and polar ocean processes.

Plans are forming to address these oceanic and global phenomena through national and international efforts. The Global Ocean Flux Study (GOFS) and research on Global Ecosystem Dynamics (GLOBEC) are elements of both. They are oriented to phenomena in the open ocean. The significance of processes in the coastal ocean to these topics, plus the importance of relating them to socio-economics and policy through research, technology transfer, public education and communication provide exceptional opportunities for Sea Grant through its Strategic Research Program. The three broad topics identified for strategic research—water quality, biological productivity, and physical change in coastal areas—parallel the topics of NOAA's Coastal Ocean Initiative—environmental quality, fisheries productivity, and coastal hazards. Thus, the new strategic research program will enable Sea Grant

[1] Earl Conrad, National Sea Grant Review Panel; B. J. Copeland, Council of Sea Grant Directors; Grant Gross, National Science Foundation; and in the National Oceanic and Atmospheric Administration, Melvin Peterson, Chief Scientist; Glen Flittner, National Marine Fisheries Service; John Sherman, National Environmental Satellite, Data and Information Service; James Todd, Office of Oceanic and Atmospheric Research; William Woodward, National Ocean Services, David Attaway, National Sea Grant Office.

to mount an academic program of research closely aligned with NOAA's overall interests.

Sea Grant has well documented capabilities for involvement in the broad marine science agenda: A tradition of fundamental, multi-disciplinary work that is central to the global change initiative, and a role as the nation's primary coastal ocean science and technology program. The latter is not an exclusive role, but is unique by the breadth of its charter and scope of its activities. Sea Grant provides the nexus between the global ocean and the nearshore-estuarine environments, between policy makers and researchers; and among industry, state and federal agencies, and academia. Technology transfer, public education and communication are activities uniquely integrated by Sea Grant. Its programs reach every coastal state and county, and its network of scientists and institutions offers capabilities for broad scientific endeavors.

From its beginning Sea Grant encouraged and supported interaction among researchers, fisheries managers, and the fishing industry. It currently provides a significant part of the national research on recruitment phenomena and critical habitat for both sports and commercial fisheries, studies fundamentally important to biological productivity. Sea Grant investigators have been in the forefront of the study of accelerated environmental change in the coastal ocean and in the Great Lakes, whether it be intentional or unintentional, natural or man-induced. These researchers constitute the single most comprehensive source of scientific expertise available in this country for the study of such changes.

Focus for and Discussion of Strategic Research

The Strategic Research Program will focus on those problems most appropriate for resolution by coalitions of partners. The broad topics—physical change in coastlines, water quality, and biological productivity—are crucially important. Together, they offer a logical basis for comprehensive examination of the processes affecting coastal resources and their use, protection, restoration, and management. Within the scope of these topics and with funding at a level of several millions of dollars annually, it would be possible to address selected large scale, highly significant problems of resource degradation and to work toward their solution.

In some ways water quality is a topic of particular concern because it affects the health and safety of a large portion of our citizens. Some of the primary issues concerning water quality are extremely broad in scope, acid rain, for example. Addressing them is clearly beyond the scale of Sea Grant's current resources. Water quality is directly relevant to use and development of fisheries and to the recreational activities of millions of citizens along all coastlines. It is a complex issue which can be addressed only through interdisciplinary efforts. Water quality is affected by the presence of excess nutrients, toxic chemicals and micro-organisms, classes of contaminants whose distribution in natural environments are heavily affected by human activities. It is also affected by dredging, farming, and construction in coastal areas, activities that often pit one segment or group of society against another.

In some cases solving problems is prevented by social rigidities or economics rather than technology. In these situations the relationships among the physical, chemical and biological processes, and the socio-economic issues controlling degradation of water quality, shorelines, fisheries, or ecosystems are often poorly understood. Sea Grants' unique combination of interdisciplinary talent, combined with significant outreach and public educational capabilities constitutes a viable and proven resource to solve such problems. Funding for strategic research will allow the university community in cooperation with others to develop and conduct a program that will—

—Consist of regional or national efforts scaled to particular problems of high priority,
—Apply socio-economic and policy considerations to the associated research,
—Integrate the physical, biological and socioeconomic sciences for research geared to application,
—Provide the data and understanding essential to implementing policies and practices needed for rehabilitating natural resources, and
—Include efforts in technology transfer, public education, and communication to resolve and illuminate relevant issues.

Integration of Socio-Economics. The establishment of methods to integrate socio-economics into the research program requires addressing the following kinds of questions:

—How do we use resources and what are the social and economic costs and benefits of their use? What are the associated environmental effects?
—How do we take action in the face of scientific uncertainties and how do we effectively integrate new scientific knowledge into the evaluative process?
—What are effective actions or policy requirements for reversing environmental degradation?
—How does public behavior affect resolution of problems and how can it be changed?
—What is the appropriate economic scope from which to measure societal trade-offs inherent in the mitigation of environmental problems?

Proposals for strategic research should incorporate appropriate activities for doing so.

Program Execution

It is proposed that the National Sea Grant Office execute the following ten steps to develop and manage a Strategic Research Program focused on coastal resource restoration:

1. Assist and work with the Sea Grant Network and others to develop specific program strategies consistent with the defined goals. These strategies would constitute the intellectual basis for the Strategic Research Program. Additionally, they would provide the basis for determining the fiscal and other requirements and for evaluating proposals.

2. Publish guidance for national or regional programs of strategic research directed to implementing one or more of the strategies and solicit three-year proposals for such programs when funds have been appropriated.

3. Accept proposals for regional or national programs of strategic research. (Months one through six after funding)

4. Rank proposals according to scientific quality, social and environmental importance, and anticipated impact on solving problems. Select those which merit funding. (Months seven and eight after solicitation)

5. Negotiate final budgets for top-ranked proposals and fund them for three years, with the possibility of extending those which have made significant progress at the end of that period. (Month nine after solicitation)

6. Track progress of ongoing programs. (Annually after funding the programs)

7. Review progress of national and regional programs during first three years of strategic research. (Three years after program initiation)

8. If required, revise guidelines for proposals under the Strategic Marine Research Program and solicit three-year proposals for its second phase. (Thirty-eight months after initial funding of programs)

9. Report on the first three years of research to the Under Secretary for Oceans and Atmosphere and the Congress. Schedule conferences to communicate the scientific advancements, relevance, and applications of the research to the scientific community and the public. (Forty months after funding programs)

10. Rank second-phase proposals, select those meriting funding, and negotiate budgets for them. (Forty-two months after starting the program)

In addition to communication specified in the milestones above, participants would be expected to exploit Sea Grant's long-established capabilities to communicate continuously at local, regional and national levels. This communication effort would include the scientific community, resource managers, the private sector, the National Sea Grant Office, and the Congress.

Actions to Enhance Technology for Strategic Research

The process of developing the plan for strategic research identified two inadequately exploited technological tools which could be applied to a range of environmental and natural research activities. They are artificial intelligence and remote sensing. Greater application of these technologies could improve data and analyses and increase efficiencies in use of research funding. Therefore, the National Sea Grant Office will (1) develop a framework for a civilian policy and program for remote sensing of the oceanic environment from satellites and aircraft, including a strategy and infrastructure for the use of resulting data and (2) define a research protocol for applying advancements in the field of artificial intelligence to the analysis of marine system problems.

Remote Sensing Policy. Most of the near-term civilian needs for remotely sensed data in the open and coastal oceans remain largely unaddressed. Resolving this problem requires formulation of a national policy for remote sensing. Such a policy would enhance cooperation among government, industry, and academia in identifying and executing oceanic research of high priority. Until a reasonsed policy and corresponding program has been established, the requirements for remote sensing in open ocean and coastal research will not appear as an identifiable element in the United States space program.

The development of formal requirements for civilian remote sensing of the open ocean and coastal areas was begun in the early 1970's. A comprehensive set of requirements identifying the satellite needs of the marine community was published in December 1979 and March 1980. These requirements were merged with the Navy's, and formed the basis for the National Oceanic Satellite System (NOSS) geophysical data specifications. The oceanic requirements were affirmed in the Envirosat 2000 studies and by the development of a unified national plan for remote sensing from space. Many of the identified oceanic research needs require the long-term data records provided by operational satellite systems as opposed to the short term research systems provided by NASA.

With the indefinite deferral of NOSS, the Navy advanced a proposed satellite system which provided three primary kinds of data sets (winds, sea surface temperatures, and waves) as well as sea ice data. Also, specific meteorological data sets were included to augment the marine weather data currently gathered by weather satellites. This Navy-Remote Ocean Sensing Satellite (N-ROSS) was officially terminated by the Navy on May 31, 1988. Clearly, there is a critical need for this country to develop a domestic and international policy for the collection and sharing of data from oceanic and large-scale coastal remote sensing research activities.

As it is, the United States stands to lose access to considerable foreign and domestic satellite data unless an acceptable policy is developed and implemented. Although NASA leads the world in the development of space techniques, Europe, Canada, Japan and soon others will be the first to bring many of these techniques into operation. Even China expects to fly a simple ocean color sensor as a key part of its space program.

The national policy must also address development and demonstration of techniques in the light of the United States' operational and scientific needs. One driving force for creating a policy is the Polar Orbiting Platform (POP) of NASA. A number of ocean related sensors will be flown for research, but the operational oceanic sensors are not contained in NOAA's basic configuration. Indeed, it is anticipated that the Department of Commerce will defer to Office of Management and Budget limitations on deploying oceanic sensors because of their budgetary implications. An effective policy must reach well into the 21st century, and must answer the question of how the United States will take advantage of its own remote sensing technology research during the next 15 to 20 years. It must address requirements for data gathered both from satellites and aircraft. With regard to infrastructure, it must be recognized that using large sets of remotely sensed data will require a well-trained cadre of scientists located at regional centers to provide support and expertise in data management. A strong training and educational effort will also be necessary. Sea Grant is unique qualified and organized to meet these requirements, based on its existing interactive network. It has the potential to meet the multiple challenges of enhancing the quality of understanding, providing investigators with a greatly increased ability to see their results within the context of broad issues and specific problems, and providing expert counsel in state, regional and national issues. The associated research developed for this activity will define mechanisms to enhance experimental design and data analysis techniques, so that oceanic boundary conditions and physical, chemical and biological processes can be validly represented and integrated in models.

Artificial Intelligence. Many of the scientific advancements achieved by Sea Grant investigators have involved advanced computer applications, requiring significant amounts of numerical calculation and evaluation. Current trends in computer utilization will continue and accelerate due to easy accessibility and declining cost of equipment and operations. We are entering another generation of computing in which computers will be used increasingly for symbolic, non-algorithmic types of problem solving. These methods are considered to be essential characteristics of artificial intelligence (AI). Many of the present and future Sea Grant projects and programs can be enhanced with AI technology such as expert systems and decision support systems. These systems are currently being developed for a variety of applications in other fields where academic and industrial researchers have already demonstrated applications of AI concepts in their respective disciplines. Examples include a knowledge-based heuristic program that aids chemists in analyzing mass-spectrographic data, robotics, rule-based expert systems for aiding medical diagnoses, and an expert system for mineral exploration. Progress in AI applications in the marine sciences, however, has been very limited.

Much of the current interest in AI is due to recent developments in expert systems and expert system shells. Expert systems can be thought of as computer programs that embody human expertise and allow the program to operate at the human expert's level. Although both expert systems and the

more conventional data-base management systems involve the retrieval of stored information they are significantly different. In fishery science, for example, a data-based management system is useful for listing and summarizing catches and/or catch-per-unit-of-effort over time for various types of gear or species in a fishery. On the other hand, an expert system might help to ascertain the current status of the fishery with respect to exploitation, determine the probable causes of the current condition, and make recommendations for management actions by taking into account the needs of both the fishermen and the resource itself.

In addition to expert systems, there are also a number of specialized planning programs available which are designed to help managers make decisions under various conditions. These programs are generally known as "decision support systems." Many of these utilize techniques from the field of AI to evaluate the relative importance of information, choose among conflicting objectives, and reach solutions in spite of incomplete data and information. For example, applications of this type of program could be especially valuable in making decisions to balance conflicts affecting water quality and supply in the coastal zone. The utility of such decision support systems in aiding coastal resource managers or regional fishery management councils is obvious. Interdisciplinary research activities involving complex problems relating to natural environments is stimulated by carefully orchestrated creative thinking. For optimum effectiveness such work requires a common focus or goal for the participants. By its nature, application of AI is interdisciplinary and would necessarily bring together marine scientists, engineers, computer-information scientists and others. Although requiring research over extended time periods, the results would stimulate the development of new concepts pertaining to broad areas of marine science, as well as advancing AI technology and aids for computer-oriented decisions in solving marine problems. Therefore, Sea Grant will initiate a program directed toward applying AI to environmental and natural resource issues. Special attention will be given to expert systems and to decision support systems, with a view toward:

(a) Providing more realistic and cost-effective solutions to marine-related planning and management decision-making problems,

(b) Encouraging more active interdisciplinary collaboration among computer scientists and marine scientists and engineers,

(c) Providing a conceptual framework within which many projects would find an environment for accelerated progress and new challenges for global leadership, and

(d) Integrating the use of remotely sensed data into the analysis of marine systems.

Conclusion

The National Sea Grant College Program Act of 1987 authorizes a new Strategic Research Program. The program will focus on improving the quality and availability of natural resources of the Great Lakes and coastal oceans. It will enable Sea Grant to conduct research of a scale and scope that it cannot achieve through its matched-grant programs. The Sea Grant Network will be able to apply its expertise in interdisciplinary research on coastal and Great Lakes processes and to provide the crucial nexus between oceanic research and nearshore and estuarine research in programs directed to environmental issues of regional, national, or global scale and concern. Sea Grant's unique role in providing links between marine science and public policy and its experience in technology transfer and public education will keep the program focused on solving problems and exploiting opportunities. Its experience in socio-economic research will facilitate taking social and economic costs and benefits into account.

The program will be designed and managed to provide the data and understanding essential to implementing policies and practices needed for restoring natural resources and will focus on one or more of the following topics:

—Water quality
—Biological productivity, and
—Physical changes in coastal areas

In addition, the National Sea Grant Office will develop a framework for a civilian policy to optimize remote sensing of the oceanic environment and use of resulting data. It will define a research protocol for applying advancements in the field of artificial intelligence to the analysis of marine system problems.

Dated: February 23, 1990.

Freddie L. Jeffries,

Executive Director, Oceanic and Atmospheric Research.

[FR Doc. 90-4723 Filed 3-1-90; 8:45 am]

BILLING CODE 3510-12-M

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of reports; notice of public meetings and hearings.

SUMMARY: The Pacific Fishery Management Council (Council) has begun its annual preseason management process for the 1990 ocean salmon fisheries. As required by the final framework amendment to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California, this notice announces: (1) The availability of specific Council documents, relating to the 1990 ocean salmon fishing season, and (2) dates and locations of Council meetings and public hearings which comprise the complete schedule for determining proposed and final management measures for the 1990 ocean salmon fishing season.

DATES: See **"SUPPLEMENTARY INFORMATION"** for the dates of the scheduled meetings and public hearings. For the public hearings being held, written comments will be accepted until March 29, 1990, at the Council office. All public hearings begin at 7:00 p.m., on the dates and at the locations specified below.

ADDRESSES: Send written comments to Lawrence Six, Executive Director, Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT: Lawrence Six, 503-326-6352.

SUPPLEMENTARY INFORMATION: Council meetings are open to the public and public comment on pertinent issues is solicited at specific times during the meetings. Written comments may be addressed to the Council office. Further details of each meeting will be available in Council news releases and the **Federal Register** or by contracting the Council office directly.

The Council's schedule for development of ocean salmon fishery management recommendations for the 1990 season is as follows:

February 22, 1990—Joint meeting of Salmon Advisory Subpanel (SAS) and Salmon Technical Team (STT), with policy and technical representatives of the management entities (state and federal fishery agencies and treaty Indian tribes), to identify management constraints and objectives given 1990 stock abundance estimates. The meeting

will be held at the Red Lion Inn—Jantzen Beach, Portland, Oregon.

February 27, 1990—Council reports, which summarize the 1989 salmon season and project the expected salmon stock abundance for 1990 are available to the public from the Council office.

March 5–9, 1990—Council and its advisory entities meet at the Seattle Airport Hilton to adopt 1990 regulatory options for public review. On March 5, with assistance from the STT, the SAS develops coordinated preliminary regulatory options for the 1990 season. On March 6, working from the SAS options and other advisory, tribal, and public input, the Council fromulates up to three proposed options for collation by the STT. The STT and staff prepare a draft of the proposed options for Council review and tentative adoption for STT analysis on March 7. On March 9, the Council reviews its advisors' analyses and tribal and public comments on the tentative options and adopts final 1990 regulatory options for public hearings.

March 14, 1990—Newsletter describing proposed management options and schedule of public hearings is mailed to the public (includes options, rationale, and condensed summary of biological and economic impacts).

March 23, 1990—The STT "Preseason Report II, Analyses of Proposed Regulatory Options for 1990 Ocean Salmon Fisheries" will be distributed with the Council briefing book and will be available at the April Council meeting.

March 27–April 2, 1990—Public hearings are held to receive comments on the proposed 1990 ocean salmon fishery management options adopted by the Council. All public hearings begin at 7:00 p.m. on the dates and at the locations specified below.

March 27, 1990—Thunderbird Motor Inn, North and South Umpaqua Rooms, 1313 North Bayshore Drive, Coos Bay, Oregon.

March 27, 1990—General Administration Building, Large meeting room, Olympia, Washington.

March 28, 1990—Astoria Middle School, 1100 Klashkanine Avenue, Astoria, Oregon.

March 28, 1990—Holiday Inn-Downtown (Capital Plaza), 300 J Street, Sacramento, California.

April 2, 1990—Eureka Inn, Eureka, California.

April 2–6, 1990—Council and its advisory entities meet at the Eureka Inn, Eureka, California, to adopt final 1990 regulatory measures. On April 2, with assistance from the STT, the SAS develops its final recommendations for the 1990 regulatory measures. On April 3, the Council, working from the SAS recommendations and other advisory, tribal, and public input, tentatively adopts final 1990 regulatory measures for analysis by the STT and staff economist. The STT will review the tentative measures with the Council on April 5 to obtain any needed clarification. On April 6, the Council reviews its advisors' analyses and tribal and public comments and adopts the final 1990 regulatory measures.

April 6–10, 1990—The STT completes drafting of "Preseason Report III, Analysis of Council Adopted Regulatory Measures for 1990 Ocean Salmon Fisheries."

May 1, 1990—Federal ocean salmon fishery management regulations implemented and "Preseason Report III" available for distribution.

Dated: Feburary 26, 1990.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90–4773 Filed 3–1–90; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Negotiated Limits and Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

February 23, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATES: March 2, 1990 and March 15, 1990.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–5810. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

During recent negotiations between the Governments of the United States and the Dominican Republic, agreement was reached to amend their Cotton, Wool and Man-Made Fiber Textile Agreement of January 20, 1989, as amended, to establish limits for cotton and man-made fiber textile products in Categories 351/651, produced or manufactured in the Dominican Republic and exported during the three consecutive agreement periods beginning on June 1, 1989 and extending through May 31, 1992.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish a limit for the period June 1, 1989 through May 31, 1990.

Also, the two governments agreed to establish Guaranteed Access Levels (GALs) for Categories 351/651 for two agreement periods—June 1, 1990 through May 31, 1991; and June 1, 1991 through May 31, 1992.

For goods to be exported from the Dominican Republic on and after June 1, 1990, the U.S. Customs service will, beginning March 15, 1990, start signing the first section of the form ITA–370P for shipments of U.S. formed and cut parts in Categories 351/651 that are destined for the Dominican Republic and subject to the GAL established for Categories 351.651. These products, which are assembled in the Dominican Republic from parts cut in the United States from fabric formed in the United States, are governed by Harmonized Tariff item number 9802.00.8010 and chapter 62 statistical note 3 of the Harmonized Tariff Schedule.

Interested parties should be aware that shipments of cut parts in Categories 351/651 must be accompanied by a form ITA–370P, signed by a U.S. Customs officer, prior to export from the United States for assembly in the Dominican Republic in order to qualify for entry under the Special Access Program.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 23246, published on May 31, 1989; and 54 FR 25490, published on June 15, 1989.

Requirements for participation in the Special Access Program are aviailable in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 6595, published on March 4, 1987; 52 FR 26057, published on July 10, 1987; and 54 FR 50425, published on December 6, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant

to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 23, 1990.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on May 24, 1989, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on June 1, 1989 and extends through May 31, 1990.

Effective on March 2, 1990, you are directed to amend the directive dated May 24, 1989 to include a limit of 1,200,000 dozen [1] for cotton and man-made fiber textile products in Categories 351/651.

Textile products in Categories 351/651 which have been exported to the United States prior to June 1, 1989 shall not be subject to this directive.

Textile products in Categories 351/651 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

You are directed to charge the following amounts to the limit established in this directive for Categories 351/651. These charges are for goods imported during the period June 1, 1989 through November 30, 1989. Additional charges will be provided as data become available.

Category	Amount to be charged
351	122,836 dozen.
651	443,470 dozen.

Beginning on March 15, 1990, U.S. Customs is directed to start signing the first section of the form ITA-370P for shipments of U.S. formed and cut parts in Categories 351/651 that are destined for the Dominican Republic and re-exported to the United States on and after June 1, 1990.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

[1] The limit has not been adjusted to account for any imports exported after May 31, 1989.

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-4762 Filed 3-1-90; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Sri Lanka

February 27, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: March 6, 1990.

FOR FURTHER INFORMATION CONTACT: Kim-Bang Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6580. For information on enbargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing, carryover and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 24731, published on June 9, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 27, 1990.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on June 5, 1989 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Sri Lanka and exported during the period which began on July 1, 1989 and extends through June 30, 1990.

Effective on March 6, 1990, the directive of June 5, 1989 is being amended to adjust the limits for the following categories, as provided under the provisions of the current bilateral agreement between the Governments of the United States and Sri Lanka:

Category	Adjusted 12-mo. limit [1]
331/631	1,767,713 dozen pairs.
334	264,735 dozen.
338/339	930,150 dozen of which not more than 724,411 dozen shall be in Categories 338-S/339-S.[2]
341	601,747 dozen of which not more than 265,000 dozen shall be in Category 341-Y.[3]
345/845	118,837 dozen.
347/348/847	926,016 dozen.
351/651	204,677 dozen.
359-C/659-C [4]	676,006 kilograms.
448	8,727 dozen.
634	176,490 dozen.
641	645,521 dozen.
644	106,812 numbers.
645/646	141,192 dozen.
647/648	729,492 dozen.

[1] The limits have not been adjusted to account for any imports exported after June 30, 1989.

[2] Category 338-S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.3010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.0068, 6112.11.0030 and 6114.20.0005; Category 339-S: only HTS numbers 6104.22.0060, 6104.29.2046, 6106.10.0010, 6106.10.0030, 6106.90.2010, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.0070, 6112.11.0040, 6114.20.0010 and 6117.90.0022.

[3] Category 341-Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030.

[4] Category 359-C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659-C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.49.2000, 6103.49.3039, 6104.63.1020, 6104.69.1000, 6104.69.3014, 6114.30.3040, 6114.30.3050, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-4848 Filed 3-1-90; 8:45 am]

BILLING CODE 3510-DR-M

Establishment of a New Export Visa Arrangement for Textiles and Textile Products Produced or Manufactured in the Socialist Federal Republic of Yugoslavia; Correction

February 23, 1990.

In the notice published on February 13, 1990 (55 FR 5053), column 3, include the following footnotes for part-Categories 338–S/339–S, 604–A and 666–B:

[1] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.3010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.0068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2046, 6106.10.0010, 6106.10.0030, 6106.90.2010, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.0070, 6112.11.0040, 6114.20.0010 and 6117.90.0022.

[2] Category 604–A: only HTS number 5509.32.0000.

[3] Category 666–B: only HTS numbers 6301.10.0000, 6301.40.0010, 6301.40.0020 and 6301.90.0010.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90–4761 Filed 3–1–90; 8:45 am]

BILLING CODE 351-DR-M

Announcement of a Request for Bilateral Consultations With the Government of Thailand on Cotton Sweaters

February 26, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For further information on categories on which consultations have been requested, call (202) 377–3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1982, as amended: sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On February 2, 1990, under the terms of Article 3 of the MFA, the Government of the United States requested consultations with the Government of Thailand regarding cotton sweaters in Category 345, produced or manufactured in Thailand.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with Thailand, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of cotton sweaters in Category 345, produced or manufactured in Thailand and imported, regardless of the date of export, during the twelve-month period which began on February 2, 1990 and extends through February 1, 1991, of not less than 186,943 dozen.

A summary market statement concerning Category 345 follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 345, or to comment on domestic production or availability of products included in this category, is invited to submit 10 copies of such comments or information to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230, ATTN: Public Comments.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room H3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implemenation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Category 345. Should such a solution be reached in consultations with the Government of Thailand, further notice will be published in the **Federal Register.**

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 49333, published on November 30, 1989.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Thailand—Market Statement

Category 345—Cotton Sweaters

February 1990.

Import Situation and Conclusion

U.S. imports of cotton sweaters (Category 345) from Thailand reached 251,698 dozen during the year ending November 1989, 28 percent above the 196,659 dozen imported a year earlier. Thailand is the second largest supplier of cotton sweaters, accounting for 11 percent of total Category 345 imports. During the first 11 months of 1989, imports of cotton sweaters (Category 345) from Thailand reached 232,776 dozen, 24 percent above the January–November 1988 level and 12 percent above the 207,177 dozen imported in calendar year 1988.

The sharp and substantial increase in Category 345 imports from Thailand is causing disruption in the U.S. market for cotton sweaters.

U.S. Production and Market Share

U.S. production of cotton sweaters declined from 3,825,000 dozen in 1987 to 3,545,000 dozen in 1988, a decline of seven percent. During the first six months of 1989, production of cotton sweaters plunged to 1,175,000 dozen, 34 percent below the 1,780,000 dozen produced in the same period of 1988. The domestic manufacturers' share of the cotton sweater market dropped from 64 percent in 1987 to 56 percent during the first six months of 1989.

U.S. Imports and Import Penetration

U.S. imports of cotton sweaters (Category 345) were 2,033,000 dozen in 1988 down four percent from the 1987 level. During the first eleven months of 1989, U.S. imports of cotton sweaters increased nine percent reaching 2,013,000 dozen. The ratio of imports to domestic production increased 27 percentage points in the first half of 1989, increasing from 52 percent during the first half of 1988 to 79 percent during the first half of 1989.

Duty-Paid Value and U.S. Producers' Price

Approximately 97 percent of Category 345 imports from Thailand during the first eleven months of 1989 entered under HTSUSA numbers 6110.20.2010—men's cotton knit or crochet sweaters; and 6110.20.2020—women's cotton knit or crochet sweaters. These sweaters

entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable sweaters.

[FR Doc. 90-4849 Filed 3-1-90; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND SEVERELY HANDICAPPED

Procurement List 1990; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1990 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: April 2, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: On January 2, 1990, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (55 FR 54) of proposed additions to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540).

After consideration of the material presented to it concerning capability of qualified workshops to produce the commodities at a fair market price and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities listed.

c. The actions will result in authorizing small entities to produce the commodities procured by the Government.

Accordingly, the following commodities are hereby added to Procurement List 1990:

Staff Section, 1010-00-225-4906 Mat. Floor, 7220-01-305-3062

Beverly L. Milkman,

Executive Director.

[FR Doc. 90-4817 Filed 3-1-90; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1990; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1990 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 2, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshop for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540):

Commodities

Kit, Backpack, 1375-01-204-1930.

Trailer, Backpack, 1375-01-254-7721.

Disinfectant-Detergent, General Purpose, 6840-00-926-1686.

Services

Grounds Maintenance, Rogue River National Forest, J. Herbert Stone Nursery, 2606 Old Stage Road, Central Point, Oregon.

Janitorial/Custodial, Federal Building and U.S. Post Office, Idabel, Oklahoma.

Beverly L. Milkman,

Executive Director.

[FR Doc. 90-4818 Filed 3-1-90; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 28, 1990.

The USAF Scientific Advisory Board Munition Systems Division Advisory Group will meet on March 12, 1990 from 8:00 a.m. to 5:00 p.m. in the Pentagon, Washington, DC.

The purpose of this meeting is to conduct a technical assessment of the reliability and producibility of the AMRAAM missile, in support of a Defense Acquisition Board (DAB) review of AMRAAM commencing March 13, 1990. This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 90-4950 Filed 3-1-90; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 19-20 March 1990.

Time: 0830-1700 each day.

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board (ASB) Ad Hoc Subgroup on Software in the Army will meet at the Pentagon. The meeting will be a report-writing/executive session to prepare the initial draft findings for the study. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 90-4777 Filed 3-1-90; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 2, 1990.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., room 3208, New Executive Office Building, Washington, DC 20503.

Requests for copies of the proposed information collection requests should be addressed to George P. Sotos, Department of Education, 400 Maryland Avenue SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: George P. Sotos (202) 732-2174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from George Sotos at the address specified above.

Dated: February 26, 1990.

George P. Sotos,

Acting, Director for Office of Information Resources Management.

Office of Educational Research and Improvement

Type of Review: New.
Title: The ERIC Review Readers Survey.
Frequency: One-time.
Affected Public: Individuals or households; State or local governments; Non-profit institutions.
Reporting Burden:
Responses: 5,000.
Burden Hours: 2,500.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.

Abstract: The Department will use this survey to solicit evaluative responses from The ERIC Review target population to determine how well it meets audience needs.

[FR Doc. 90-4763 Filed 3-1-90; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Issuance of Proposed Remedial Order to Robert J. Martin, et al.

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of issuance of proposed remedial order to Robert J. Martin, et al., and notice of opportunity for objection.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order (PRO) issued to Robert J. Martin and Gordon S. Gregson, owners and officers of Wesreco, Inc., Western Refining Company, Western Oil Marketing Company, Pioneer Trading Co. and Quad Energy; James M. Betz, dba Betz Oil and Trading Company; Kenneth H. N. Taves; and K.T. Trading Corp. (hereafter collectively Respondents).

This PRO charges that the Respondents, in combination with each other, planned, participated in, authorized and approved the use of a crude oil certification swap scheme to effect the transformation of all of Western Refining Company's controlled certifications into entitlements purchase-exempt certifications during the period January through December 1980. Further, the PRO alleges that the Respondents directed the day-to-day activities of the firms through which the scheme was effected; and that all of the individual Respondents financially benefitted from this scheme to defraud the DOE Entitlements Program in the principal amount of $23,144,485. The PRO finds that the Respondents utilized sham crude oil purchase, sale, exchange and processing agreements to effectuate the scheme; and caused Western Refining Company to incorrectly report its crude oil receipts on its Refiners Monthly Reports, thereby obtaining additional entitlements to which it was not entitled, all in violation of 10 CFR 211.66(b), (h) and 211.67. The PRO concludes that the Respondents' conduct resulted in the circumvention or contravention of the Entitlements Program, in violation of 10 CFR 205.202 and 210.62(c). The impact of the Respondents' unlawful conduct was spread nationwide.

FURTHER INFORMATION: A copy of the Proposed Remedial Order, with any confidential information deleted, may be obtained from the DOE Freedom of Information Reading Room, U.S. Department of Energy, 1000 Independence Avenue SW., Room 1E-190, Washington, DC 20585.

DATES: On or before March 19, 1990, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, in accordance with 10 CFR 205.193. A person who fails to file a Notice of Objection shall be deemed to have admitted the findings of fact and conclusions of law stated in the proposed order. If a Notice of Objection is not filed in accordnace with § 205.193, the proposed order may be issued as a final Remedial Order by the Office of Hearings and Appeals.

Issued in Washington, DC on the 26th day of February 1990.

Chandler L. van Orman,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 90-4840 Filed 3-1-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP90-744-000, et al.]

Texas Gas Transmission Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Texas Gas Transmission Company

[Docket No. CP90–744–000]

February 20, 1990.

Take notice that on February 9, 1990, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90–744–000 a request pursuant to § 175.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible natural gas transportation service for EnTrade Corporation (EnTrade), a marketer of natural gas, under Texas Gas' blanket certificate issued in Docket No. CP88–686–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement dated July 27, 1989, Texas Gas requests authorization to transport up to 200,000 MMBtu of natural gas per day for EnTrade under its IT Rate Schedule. Texas Gas states that the agreement provides for it to receive the gas at various existing points of receipt along its system and to redeliver the gas to thirty-two (32) existing points of delivery located in Arkansas, Louisiana, Mississippi and Tennessee. EnTrade estimates that its average day and annual transportation quantities would be 20,000 and 7,280,000 MMBtu, respectively. Texas Gas advises that the service commenced December 21, 1989, as reported in Docket No. ST90–1568–000, under § 284.223(a) of the Commission's Regulations.

Comment date: April 6, 1990, in accordance with Standard Paragraph G at the end of this notice.

2. Natural Gas Pipeline Company of America

[Docket No. CP90–752–000]

February 20, 1990.

Take notice that on February 12, 1990, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90–752–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Phillips 66 Natural Gas Company (Phillips), a producer of natural gas, under Natural's blanket certificate issued in Docket No. CP86–582–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Natural proposes to transport on an interruptible basis up to 5,000 MMBtu of natural gas equivalent per day, plus any additional volumes accepted pursuant to the overrun provision of Natural's Rate Schedule ITS, on behalf of Phillips pursuant to a gas transportation agreement dated December 7, 1989, between Natural and Phillips. Natural would receive the gas at various existing points of receipt on its system in Texas and Oklahoma and redeliver equivalent volumes, less fuel and lost and unaccounted for volumes, at various existing delivery points in Kansas and Oklahoma.

Natural further states that the estimated average daily and annual quantities would be 5,000 MMBtu and 1,825,000 MMBtu, respectively. Service under § 284.223(a) commenced on December 9, 1989, as reported in Docket No. ST90–1816–000, it is stated.

Comment date: April 6, 1990, in accordance with Standard Paragraph G at the end of this notice.

3. United Gas Pipe Line Company

[Docket No. CP90–748–000]

February 20, 1990.

Take notice that on February 9, 1990, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–748–000 a request pursuant to §§ 157.205 and 284.223 of Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport gas on an interruptible basis for Texaco Gas Marketing Inc. (Shipper), under its blanket certificate issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that it proposes to transport for Shipper 360,500 MMBtu on a peak day, 360,500 MMBtu on an average day and 131,582,500 MMBtu on an annual basis. United also states that pursuant to a Transportation Agreement dated May 6, 1988 as amended November 17, 1989 between United and Shipper (Transportation Agreement) proposes to transport natural gas for Shipper from points located in multiple counties in Texas, Louisiana, and Mississippi. The points of delivery and ultimate points of delivery are located in Panola County, Texas and multiple counties in Mississippi and Louisiana.

United further states that it commenced this service on December 7, 1989, as reported in Docket No. ST90–1222–000.

Comment date: April 6, 1990, in accordance with Standard Paragraph G at the end of this notice.

4. Williams Natural Gas Company

[Docket No. CP90–757–000]

February 20, 1990.

Take notice that on February 13, 1990, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP90–757–000, a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to provide a transportation service for American Central Gas Marketing Company (American Central), a marketer, under WNG's blanket certificate issued in Docket No. CP86–631–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

WNG states that it proposes to transport, on a firm basis, up to a maximum of 100 Dth of natural gas per day for American Central from various receipt points in Kansas to various delivery points on WNG's pipeline system located in Kansas and Missouri. WNG further states that it anticipates transporting 100 Dth on an average day and 36,500 Dth on an annual basis.

WNG indicates that the transportation of natural gas for American Central commenced on January 2, 1990, as reported in Docket No. ST90–1718–000, for a 120-day period pursuant to § 284.223(a)(1) of the Commission's Regulations (18 CFR 284.223(a)(1)).

Comment date: April 6, 1990, in accordance with Standard Paragraph G at the end of this notice.

5. Superior Offshore Pipeline Company

[Docket No. CP90–753–000]

February 20, 1990.

Take notice that on February 9, 1990, Superior Offshore Pipeline Company (SOPCO), filed in Docket No. CP90–753–000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act, to transport natural gas under its blanket certificate issued in Docket No. CP86–387–000 for Chevron U.S.A., all as more fully set forth in the request on file with the Commission and open to public inspection.

SOPCO indicates that service commenced November 26, 1989, as reported in Docket No. ST90–1390 and estimates the volumes transported to be 10,000 MMBtu per day on a peak day and average day, plus 3,650,000 MMBtu on an annual basis for Chevron. SOPCO states that the gas would be transported

from offshore Louisiana to onshore Louisiana for delivery to Natural Gas Pipeline Company of America at Oxy's Lowry Plant in Cameron Parish, Louisiana.

SOPCO also notes that no new facilities are to be constructed in connection with this transportation service.

Comment date: April 6, 1990, in accordance with Standard Paragraph G at the end of this notice.

6. Mississippi River Transmission Corporation

[Docket No. CP90-761-000]

February 20, 1990.

Take notice that on February 12, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP90-761-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible natural gas transportation service for Laclede Steel Company (Laclede), an end-user of natural gas, under MRT's blanket certificate issued in Docket No. CP89-1121-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation service agreement dated November 17, 1989, MRT requests authority to transport up to 20,600 MMBtu of natural gas per day for Laclede under its ITS Rate Schedule. MRT states that the agreement provides for it to receive the gas at existing receipt points located in Texas, Louisiana, Arkansas and Illinois and to redeliver the gas to an existing delivery point located in Madison County, Illinois. Laclede expects to have only 10,300 MMBtu of gas transported on an average day and, based thereon, estimates that 3,759,500 MMBtu of gas would be transported annually. MRT advises that the transportation service commenced on December 16, 1989, as reported in Docket No. ST90-1417-000, pursuant to § 284.223(a) of the Commission's Regulations.

Comment date: April 6, 1990, in accordance with Standard Paragraph G at the end of this notice.

7. Colorado Interstate Gas Company

[Docket No. CP90-770-000]

February 20, 1990.

Take notice that on February 14, 1990, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP90-770-000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act, to transport natural gas under its blanket certificate issued in Docket No. CP86-589, a maximum of 2,500 Mcf of natural gas for Trigen Resources Corporation (Trigen), a marketer, all as more fully set forth in the request on file with the Commission and open to public inspection.

CIG indicates that service commenced December 1, 1989, under section 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89-1129-000 and estimates the volumes transported to be 2,500 Mcf per day on a peak day, 1,750 Mcf on an average day and 639 MMcf on an annual basis.

CIG states that it would receive gas from various existing points of receipt on its system in Colorado, Kansas, and Wyoming, and redeliver the subject gas, less fuel gas and lost and unaccounted-for gas, for the account of Trigen Resources Corporation in Bent County, Colorado. CIG indicates that the service will be performed using existing facilities.

Comment date: April 6, 1990, in accordance with Standard Paragraph G at the end of this notice.

8. United Gas Pipe Line Company

[Docket No. CP90-774-000]

February 20, 1990

Take notice that on February 14, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP90-774-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of EnTrade Corporation (EnTrade), under United's Blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the commission and open to public inspection.

United requests authorization to transport, on an interruptible basis, up to a maximum of 103,000 MMBtu of natural gas per day for EnTrade from receipt points located in Louisiana, Offshore Louisiana and Mississippi, to delivery points located in Alabama, Florida and Louisiana. United anticipates transporting 103,000 MMBtu on an average day and an annual volume of 37,595,000 MMBtu.

United states that the transportation of natural gas for EnTrade commenced January 1, 1990, as reported in Docket No. ST90-1638-000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to United in Docket No. CP88-6-000.

Comment date: April 6, 1990, in accordance with Standard Paragraph G at the end of this notice.

9. Natural Gas Pipeline Company of America

[Docket No. CP90-766-000]

February 20, 1990.

Take notice that on February 13, 1990, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois, 60148 filed in Docket No. CP90-766-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Mitchell Marketing Company (Mitchell), a marketer of natural gas, under Natural's blanket certificate issued in Docket No. CP86-582-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Natural proposes to transport on a interruptible basis up to 10,000 MMBtu of natural gas equivalent per day, plus any additional volumes accepted pursuant to the overrun provision of Natural's Rate Schedule ITS, on behalf of Mitchell pursuant to a gas transportation agreement dated September 26, 1989, between Natural and Mitchell. Natural would receive the gas at various existing points of receipt on its system in Texas and redeliver equivalent volumes, less fuel and lost and unaccounted for volumes, at various existing delivery points in Texas and Louisiana.

Natural further states that the estimated average daily and annual quantities would be 2,500 MMBtu and 912,500 MMBtu, respectively. Service under § 284.223(a) commenced on December 22, 1989, as reported in Docket No. ST90-1843-000, it is stated.

Comment date: April 6, 1990, in accordance with Standard Paragraph G at the end of this notice.

10. National Fuel Gas Supply Corporation

[Docket No. CP90-738-000]

February 20, 1990.

Take notice that on February 8, 1989, National Fuel Gas Supply Corporation (National), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No., CP90-738-000 a request pursuant to section 7 (b) and (c) of the Commission's Regulations under the Natural Gas Act

for a certificate of public convenience and necessity authorizing the replacement of a portion of an existing pipeline, all as more fully described in the application that is on file with the Commission and open to public inspection.

National proposes to replace a 2.3 mile segment of its Line K located in the Borough of Forster and Bradford Townships, McKean County, Pennsylvania, with an equivalent length of 20–inch coated steel line. The replacement pipeline would be laid parallel to the existing pipeline, the majority of which would be within the existing Line K right-of-way with the exception of one short segment. Approximately 600 feet of new right-of-way would be required due to the landowner's request to move the new pipeline further from his house. The new right-of-way would parallel the existing right-of-way to the west. The abandoned pipe would be removed where practical or abandoned in place, it is stated.

It is further stated that the installation of 20-inch coated pipeline would give Line K added capacity and flexibility to its operations. Ultimately, the improvements to Line K would allow National to provide lower priced gas supplies to its New York market, it stated. National submits that the replacement of pipeline is necessary to ensure safe and efficient operations of its pipeline system and not to expand its market but to maintain existing markets. It is further stated that service will not be terminated to any customers.

It is stated that National estimates that the cost of this project would be $1,055,780, which would be financed through internally generated funds and/or interim short-term bank loans.

Comment date: March 13, 1990, in accordance with Standard Paragraph F at the end of this notice.

11. United Gas Pipe Line Company

[Docket No. CP90–784–000]

February 21, 1990.

Take notice that on February 15, 1990, United Gas Pipe Line Company (United) P. O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–784–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Texaco Gas Marketing Inc. (Texaco), under the authorization issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United would perform the proposed interruptible transportation service for Texaco, a marketer of natural gas, pursuant to an interruptible gas transportation service agreement dated June 15, 1988, as amended on December 5, 1989 (Agreement No. T1–21–1673, Reference No. 2955). The term of the transportation agreement is for a primary term of one month from the date of first delivery of gas and shall continue for successive one month terms thereafter until terminated by either party within thirty days written notice. United proposes to transport on a peak day up to 41,200 MMBtu; on an average day up to 41,200 MMBtu; and on an annual basis 15,038,000 MMBtu of natural gas for Texaco. United states that it would receive and deliver the subject gas to various existing receipt and delivery points on its pipeline system. It is alleged that Texaco would pay United the effective rate contained in United's rate schedule ITS, or such other rates as may be just and reasonable to United. United avers that construction of facilities would not be required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's regulations. United commenced such self-implementing service on January 9, 1990, as reported in Docket No. ST90–1494–000.

Comment date: April 9, 1990, in accordance with Standard paragraph G at the end of this notice.

12. United Gas Pipe Line Company

[Docket No. CP90–785–000]

February 21, 1990.

Take notice that on February 15, 1990, United Gas Pipe Line Company (United) P. O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–785–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Texaco Gas Marketing Inc. (Texaco), under the authorization issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United would perform the proposed interruptible transportation service to Texaco, a marketer of natural gas, pursuant to an interruptible gas transportation service agreement dated July 25, 1988, as amended on December 5, 1989 (Agreement No. T1–21–1759, Reference No. 3261). The term of the transportation agreement is for a primary term of one month from the date of first delivery of gas and shall continue for successive one month terms thereafter until terminated by either party within thirty days written notice. United proposes to transport on a peak day up to 103,000 MMBtu; on an average day up to 103,000 MMBtu; and on an annual basis 37,595,000 MMBtu of natural gas for Texaco. United states that it would receive and deliver the subject gas to various existing receipt and delivery points on its pipeline system. It is alleged that Texaco would pay United the effective rate contained in United's rate schedule ITS, or such other rates as may be just and reasonable to United. United avers that construction of facilities would not be required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's regulations. United commenced such self-implementing service on January 5, 1990, as reported in Docket No. ST90–1548–000.

Comment date: April 9, 1990 in accordance with Standard Paragraph G at the end of the notice.

13. Trunkline Gas Company

[Docket No. CP90–791–000]

February 21, 1990.

Take notice that on February 15, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–791–000 an application pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Caterpillar, Inc. (Caterpillar), under Trunkline's blanket certificate issued in Docket No. CP86–586–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Trunkline proposes to transport, on an interruptible basis, up to 30,000 Dt. equivalent of natural gas per day for Caterpillar. Trunkline states that construction of facilities would not be required to provide the proposed service.

Trunkline further states that the maximum day, average day, and annual transportation volumes would be approximately 30,000 Dt. equivalent, 15,000 Dt. equivalent and 5,475,000 Dt. equivalent respectively.

Trunkline advises that service under § 284.223(a) commenced January 1, 1990, as reported in Docket No. ST90–1626.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

14. Sea Robin Pipeline Company

[Docket No. CP90–773–000]

February 21, 1990.

Take notice that on February 14, 1990, Sea Robin Pipeline Company (Sea Robin), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–773–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Elf Acquitaine, Inc. (Elf Acquitaine), a producer, under the blanket certificate issued in Docket No. CP88–824–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Sea Robin states that pursuant to a transportation agreement dated December 1, 1989, under its Rate Schedule ITS, it proposes to transport up to 25,750 MMBtu per day equivalent of natural gas for Elf Acquitaine. Sea Robin states that is would transport the gas from a receipt point in Block 317, East Cameron Area, offshore Louisiana, and would redeliver the gas to delivery points in Vermillion Parish, Louisiana.

Sea Robin advises that service under § 284.223(a) commenced December 9, 1989, as reported in Docket No. ST90–1739 (filed February 2, 1990). Sea Robin further advises that it would transport 25,750 MMBtu on an average day and 9,398,750 MMBtu annually.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

15. Texas Gas Transmission Corporation

[Docket No. CP90–780–000]

February 21, 1990.

Take notice that on February 15, 1990, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90–780–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Texaco Gas Marketing, Inc. (TGMI), under its blanket authorization issued in Docket No. CP88–686–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas would perform the proposed interruptible transportation service for TGMI, pursuant to an interruptible transportation service agreement dated January 8, 1990. The transportation agreement is effective through January 1990, and month to month thereafter until terminated by either party on thirty days written notice. Texas Gas proposes to transport 40,000 MMBtu on a peak day; 30,000 MMBtu on an average day; and on an annual basis approximately 10,950,000 MMBtu of natural gas for TGMI. Texas Gas proposes to transport gas produced, measured and received in Ship Shoal Area, Block 247 "F" and has measured in such Block 247 "F", but produced and received in Ship Shoal Area, Block 248 "D" to TGMI at the existing interconnection with Triple "T" pipeline system located in Block 278, Eugene Island Area, Offshore Louisiana.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's Regulations. Texas Gas commenced such self-implementing service on January 11, 1990, as reported in Docket No. ST90–1746–000.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

16. Trunkline Gas Company

[Docket No. CP90–789–000]

February 21, 1990.

Take notice that on February 15, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–789–000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to transport natural gas on behalf of Equitable Resources Marketing Company (Equitable), a marketer of natural gas, under Trunkline's blanket certificate issued in Docket No. CP86–586–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commisison and open to public inspection.

Trunkline proposes to transport, on an interruptible basis, up to 50,000 dt equivalent of natural gas on a peak day for Equitable, 50,000 dt equivalent on an average day, and 18,250,000 dt equivalent on an annual basis. It is stated that Trunkline would receive the gas at designated receipt points in Illinois, Tennessee, Louisiana, offshore Louisiana, Texas, and offshore Texas, and would deliver equivalent volumes, less fuel and unaccounted for line loss, to an interconnection with Mississippi River Transmission in Clay County, Illinois. It is asserted that the transportation service would be effected using existing facilities and that no construction of additional facilities would be required. It is explained that the transportation service commenced January 1, 1990, under the self-implementing authorization of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90–1630.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

17. Transcontinental Gas Pipe Line Corporation

[Docket No. CP90–795–000]

February 21, 1990.

Take notice that on February 16, 1990, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed a request with the Commission in Docket No. CP90–795–000, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA), for authorization to transport natural gas for Coastal Gas Marketing Company (Coastal), a natural gas shipper, under the blanket certificate issued in Docket No. CP88–328–000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

Transco proposes an interruptible transportation service of up to 5,400,000 dekatherms (dt) equivalent of natural gas on peak days, 150,000 dt equivalent on average days, and 54,750,000 dt equivalent annually for Coastal. Transco would transport gas on Coastal's behalf under its FERC Rate Schedule IT. Transco would receive the gas at various existing offshore and onshore Louisiana receipt points and deliver the gas on Coastal's account at various existing Louisiana, Mississippi, Pennsylvania, and Texas delivery points. Transco states that it commenced transporting natural gas for Coastal on January 4, 1990, under the self-implementing authorization of § 284.223(a) of the Regulations, as reported in Docket No. ST90–1563.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

18. Northwest Pipeline Corporation

[Docket No. CP90–787–000]

February 21, 1990.

Take notice that on February 15, 1990, Northwest Pipeline Corporation

(Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP90–787–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under its blanket certificate issued in Docket No. CP86–578–000 pursuant to section 7 of the Natural Gas Act for LFC Gas Company (LFC), all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to transport natural gas for LFC pursuant to a transportation agreement dated August 22, 1988. Northwest explains that service commenced January 11, 1990, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST90–1812–000. Northwest further explains that the peak day quantity would be 20,000 MMBtu, the average daily quantity would be 3,000 MMBtu, and that the annual quantity would be 1,100,000 MMBtu. Northwest explains that it would receive natural gas for LFC's account from any receipt point on Northwest's system and redeliver the gas to any transportation delivery point on its system.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

19. Panhandle Eastern Pipe Line Company

[Docket No. CP90–794–000]

February 21, 1990.

Take notice that on February 15, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–794–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Mobil Natural Gas Inc. (Mobil), a producer, under the blanket certificate issued in Docket No. CP86–585–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Panhandle states that pursuant to a transportation agreement dated July 10, 1989, under its Rate Schedule PT, it proposes to transport up to 100,000 dekatherms (dt) per day equivalent of natural gas for Mobil. Panhandle states that it would transport the gas from various receipt points in Colorado, Illinois, Kansas, Michigan, Ohio, Oklahoma and Texas, and redeliver such gas, less fuel and unaccounted for line loss, to Natural Gas Pipeline Company in Beckham County, Oklahoma, and Clark County, Kansas.

Panhandle advises that service under § 284.223(a) commenced December 29, 1989, as reported in Docket No. ST90–1530–000. Panhandle further advises that it would transport 100,000 dt on an average day and 36,500,000 dt annually.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

20. Texas Gas Transmission Corporation

[Docket No. CP90–781–000]

February 21, 1990.

Take notice that on February 15, 1990, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90–781–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Amoco Production Company (Amoco), under its blanket authorization issued in Docket No. CP88–686–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas would perform the proposed interruptible transportation service for Amoco, pursuant to an interruptible transportation service agreement dated November 8, 1989. The transportation agreement is effective through November 1989, and month to month thereafter until terminated by either party on thirty days written notice. Texas Gas proposes to transport 300,000 MMBtu on a peak day; 100,000 MMBtu on an average day; and on an annual basis approximately 36,500,000 MMBtu of natural gas for Amoco. Texas Gas proposes to transport the subject gas from receipt points located in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Offshore Louisiana, Ohio, Tennessee, Texas and Offshore Texas. Texas Gas proposes to deliver the gas to Amoco at various existing receipt points located in Arkansas, Louisiana, Mississippi, Tennessee and Texas. Texas Gas states that Amoco has identified the receipients of the gas as LIG, Memphis Light, Gas and Water, Mississippi Valley Gas and Mississippi River Transmission Corporation.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provisions of § 284.223(a)(1) of the Commission's Regulations. Texas Gas commenced such self-implementing service on January 9, 1990, as reported in Docket No. ST90–1569–000.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

21 Equitable Resources Marketing Company

[Docket No. CI89–361–001]

February 21, 1990.

Take notice that on February 14, 1990, Equitable Resources Marketing Company (ERM) of 2900 Grant Building, 330 Grant Street, Pittsburgh, Pennsylvania 15219, filed a supplement to its pending application filed January 23, 1990, pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited-term extension of its blanket limited-term certificate with pregranted abandonment previously issued by the Commission in Docket No. CI89–361–000 for a term expiring March 31, 1990, and for authorization to resell surplus pipeline system supply gas. ERM indicates that it is supplementing its application to also request authorization to resell imported gas, all as more fully set forth in the supplement to the application which is on file with the Commission and open for public inspection.

Comment date: March 7, 1990, in accordance with Standard Paragraph J at the end of this notice.

22. Columbia Gas Transmission Corporation

[Docket No. CP90–776–000]

February 21, 1990.

Take notice that on February 14, 1990, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP90–776–000 a request pursuant to § 157.205 and 284.223 of the Commission's Regulation under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Eastern Marketing Corporation (Shipper) under the blanket certificate issued in Docket No. CP86–240–000 pursuant to to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Columbia states that it proposes to transport up to 15,000 MMBtu for Shipper on a peak day, 12,000 MMBtu on an average day, 5,475,000 MMBtu annually, under ITS Rate Schedule. This service was reported to the Commission in Docket No. ST90–847–000. Columbia

further states that construction of facilities will be required to provide the proposed service.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

23. Williams Natural Gas Company

[Docket No. CP90–786–000]

February 21, 1990.

Take notice that on February 15, 1990, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP90–786–000 a request pursuant to § 157.205 of Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization under the blanket certificate issued in Docket No. CP82–479–000, pursuant to section 7 of the Natural Gas Act, to utilize certain facilities originally installed for the delivery of Natural Gas Policy Act of 1978 Section 311 transportation gas, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

WNG states that it seeks authorization to utilize for other purposes existing measuring and appurtenant facilities installed for the delivery of section 311 transportation gas to Herzog Contracting Corporation (Herzog). It is stated that the facilities were installed in Doniphan County, Kansas, at a cost of $16,460 and were placed in service on December 8, 1989. WNG states that the facilities also were used to accomplish the delivery of gas under a Section 311 transportation arrangement with Gastrak Corporation (Gastrak). It is further stated that Gastrak has requested that the Herzog delivery point be added to their ITS transportation service agreement. WNG advises that this agreemnt was entered into on July 29, 1988, and the service was reported in Docket No. ST88–5523–000.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

24. Great Lakes Gas Transmission Company

[Docket Nos. CP90–691–000 CP87–410–000, et al.]

February 21, 1990.

Take notice that on February 2, 1990, Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in the above dockets pursuant to section 7(c) of the Natural Gas Act, and application to amend existing certificates and abandonment of sales service, so as to (1) provide additional firm transportation service of 5,000 Mcf of natural gas per day of Northern Minnesota Utilities, a Division of UtiliCorp United Inc. (NMU), and (2) construct and operate additional facilities to provide such service, all as more fully described in the application that is on file with the Commission and open to public inspection.

Currently, under Transportation Service Agreement dated December 15, 1988, between Great Lakes' and NMU, which is filed as Rate Schedule T–16 to Great Lakes' FERC Gas Tariff (T–16 Contract), a firm basis, for NMU. Great Lakes receives the volumes at a point on the international boundard near Emerson, Manitoba, transports, and redelivers the volumes, at existing points of interconnection between the facilities of NMU and Great Lakes, located at Grand Rapids, Cloquet, and Thief River Falls, Minnesota.

NMU has requested that the daily firm contrct quantity under the T–16 Contract be increased by 5,000 Mcf per day, to a maximum firm contract quantity of 10,000 Mcf per day. NMU has also requested that Great Lakes provide transportation deliveries to three proposed point of interconnection between Great Lakes and NMU, to be located at Floodwood, Deer River and Bemidji, Minnesota (respectively, the Floodwood, Deer River, and Bemidji Delivery Points). Volumes delivered to Floodwood and Deer River will be used by NMU to serve residential and commercial customers in these communities. Volumes delivered at Bemidji will primarily be used to serve certain facilities of the Potlatch Corporation. In addition, NMU has requested that Great Lakes add its existing point of interconnection with Northern Natural Gas Company, located at Carlton, Minnesota (Carlton Delivery Point), as a delivery point under the T–16 Contract. The transportation rate for all volumes transported will be in effect under Great Lakes T–16 Contract.

In order to provide these services, Great Lakes proposes, *inter alia,* to construct (1) two loop sections totalling 2.9 miles of 36 inch diameter pipe in the state of Minnesota, and (2) three tap meter facilities at, respectively, the Floodwood, Deer River, and Bemidji Delivery Points. The estimated cost of such facilities is $6,600,000. The funds required to finance the proposed facilities are expected to be provided by short-term borrowing and internally generated funds.

In the event the Commission does not issue authorization for the above described service by July 1, 1990, Great Lakes requests that the Commission issue a certificate of public convenience and necessity by such date authorizing (1) construction and operation of the taps and meter stations at the Floodwood, Deer River, and Bemidji Delivery Points, and (2) addition of these Delivery Points as points of delivery under the present Great Lakes' T–16 Rate Schedule. In such event, Great Lakes requests that the Commission subsequently grant the balance of the authorization requested in its application.

Comment date: March 14, 1990, in accordance with Standard Paragraph F at the end of this notice.

25. United Gas Pipe Line Company

[Docket No. CP90–810–000]

February 22, 1990.

Take notice that on February 20, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–810–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Texaco Gas Marketing Inc. (Texaco), a marketer, under the blanket certificate issued in Docket No. CP88–6–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

United states that pursuant to a transportation agreement dated October 1, 1988, as amended, under its Rate Schedule ITS, it proposes to transport up to 10,300 MMBtu per day equivalent of natural gas for Texaco. United would transport the gas from receipt points located in Panola County, Texas, and would redeliver the gas to delivery points in Angelina County, Texas.

United advises that service under § 284.223(a) commenced December 13, 1989, as reported in Docket No. ST90–1723 (filed February 1, 1990). United further advises that it would transport 10,300 MMBtu on an average day and 3,759,500 MMBtu annually.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

26. Columbia Gas Transmission Corporation

[Docket No. CP90–777–000]

February 21, 1990.

Take notice that on February 14, 1990, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed a request with the Commission in Docket No. CP90–777–000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for

authorization to transport natural gas on behalf of Stone Resource and Energy Corporation, (Stone), a natural gas shipper, under the blanket certificate issued in Docket No. CP86–240–000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

Columbia proposes an interruptible natural gas transportation service of up to 1,000 MMBtu equivalent on peak days, 800 MMBtu equivalent on average days, and 365,000 MMBtu annually for Stone. Columbia would perform the transporation service under its Rate Schedule ITS. Columbia would use the existing facilities described in Appendix A to the service agreement to receive and delivery gas on Stone's behalf. Columbia states that it commenced transporting natural gas for Stone on November 1, 1989, under the self-implementing authorization of § 284.223(a) of the Regulations, as reported in Docket No. ST90–858.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

27. Natural Gas Pipeline Company of America

[Docket No. CP90–808–000]

February 22, 1990.

Take notice that on February 20, 1990, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90–808–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Texarkoma Transportation Company (Texarkoma), a marketer, under the blanket certificate issued in Docket No. CP86–582–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Natural states that pursuant to a transportation service agreement dated December 13, 1989, under its Rate Schedule ITS, it proposes to transport up to 100,000 MMBtu per day equivalent of natural gas for Texarkoma. Natural states that it would transport the gas (plus any additional volumes accepted pursuant to the overrun provisions of Natural's Rate Schedule ITS) from a receipt point located in Texas, and would redeliver the gas to delivery points located in Texas and Kansas.

Natural advises that service under § 284.223(a) commenced December 19, 1989, as reported in Docket No. ST90–1501 (filed January 19, 1990). Natural further advises that it would transport 15,000 MMBtu on an average day and 5,475,000 MMBtu annually.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

28. Equitrans, Inc.

[Docket No. CP90–778–000]

February 22, 1990.

Take notice that on February 14, 1990, Equitrans, Inc. (Equitrans), 4955 Steubenville Pike, Pittsburgh, Pennsylvania 15205, filed in Docket No. CP90–778–000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to provide an interruptible transportation service for Commonwealth Gas Company (Commonwealth) under Equitrans blanket certificate issued in Docket No. CP86–553–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Equitrans states that pursuant to a transportation service agreement dated December 14, 1989, under its Rate Schedule ITS, it would transport up to 49,000 Mcf per day of natural gas for Commonwealth. Equitrans further states that it would transport the natural gas from receipt points in the state of Pennsylvania and would redeliver the natural gas at the interconnect between Equitrans and Texas Eastern Transmission Corporation in Westmoreland and Greene Counties, located in the state of Pennsylvania. Equitrans indicates that it would transport 11,839 Mcf on an average day and 788,760 Mcf annually.

Equitrans advises that the transportation of natural gas for Commonwealth commenced on December 14, 1989, as reported in Docket No. ST90–1669–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations (18 CFR 284.223(a)).

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

29. Tenngasco Corporation and Tenngasco Exchange Corporation.

[Docket No. CI86–168–006]

February 22, 1990.

Take notice that on February 20, 1990, Tenngasco Corporation and Tenngasco Exchange Corporation (Tenngasco) of P.O. Box 2511, Houston, Texas 77252, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for permanent extension of its blanket certificate with pregranted abandonment previously issued by the Commission in Docket No. CI86–168–005 for a term expiring March 31, 1990, and for authorization to include sales of imported gas, liquified natural gas, and gas purchased from non-first-sellers, such as gas purchased from pipelines under interruptible sales programs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Comment date: March 8, 1990, in accordance with Standard Paragraph J at the end of this notice.

30. United Gas Pipe Line Company

[Docket No. CP90–799–000]

February 22, 1990.

Take notice that on February 16, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–799–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Coastal Gas Marketing Company (Coastal), a marketer, under the blanket certificate issued in Docket No. CP88–6–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

United states that pursuant to a transportation service agreement dated December 15, 1989, under its Rate Schedule ITS, it proposes to transport up to 30,900 MMBtu per day equivalent of natural gas for Coastal. United would transport the gas from a receipt point located offshore Louisiana, and would redeliver the gas to a delivery point offshore Louisiana.

United advises that service under § 284.223(a) commenced January 1, 1989, as reported in Docket No. ST90–1768 (filed February 7, 1990). United further advises that it would transport 30,900 MMBtu on an average day and 11,278,500 MMBtu annually.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

31. Trunkline Gas Company

[Docket No. CP90–790–000]

February 22, 1990.

Take notice that on February 15, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–790–000 a request pursuant to § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR

157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Kimball Resources, Inc. (Kimball), a shipper and marketer of natural gas, under Trunkline's blanket certificate issued in Docket No. CP86–586–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Trunkline proposes to transport up 30,000 dekatherms (dt) of natural gas equivalent per day on an interruptible basis on behalf of Kimball pursuant to a transportation agreement dated November 15, 1989, between Trunkline and Kimball. Trunkline would receive the gas at various existing points of receipt on its sytem in Texas, offshore Texas, Louisiana, offshore Louisiana, Tennessee and Illinois and deliver equivalent volumes, less fuel used and unaccounted for line loss, to Valero Transmission Company in Bee, Brooks and Wharton Counties, Texas.

Trunkline states that the estimated daily and annual quantities would be 30,000 dt and 10,950,000 dt, respectively. Service under § 284.223(a) commenced on December 22, 1989, as reported in Docket No. ST90–1537–000, it is stated.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

32. El Paso Natural Gas Company

[Docket No. CP90–806–000]

February 22, 1990.

Take notice that on February 16, 1990, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP90–806–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide transportation service on behalf of Sunrise Energy Company (Sunrise), under El Paso's blanket certificate issued in Docket No. CP88–433–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso requests authorization to transport, on an interruptible basis, up to a maximum of 20,600 MMBtu of natural gas per day for Sunrise from any receipt point on El Paso's system to delivery points located in the State of Texas. El Paso anticipates transporting, on an average day 20,600 MMBtu and an annual volume of 7,519,000 MMBtu.

El Paso states that the transportation of natural gas for Sunrise commenced January 1, 1990, as reported in Docket No. ST90–1623–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to El Paso in Docket No. CP88–433–000.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

33. ANR Pipeline Company

[Docket No. CP90–796–000]

February 22, 1990.

Take notice that on February 16, 1990, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 43243, filed in Docket No. CP90–796–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Houston Gas Exchange Corporation (HGEC) under its blanket authorization issued in Docket No. CP88–532–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

ANR would perform the proposed interruptible transportation service for HGEC, pursuant to an interruptible transportation service agreement dated August 29, 1989. The transportation agreement is effective for a term until 120 days from the day of initial deliveries, and thereafter until August 31, 1991, and month to month thereafter until terminated by either party on thirty days written notice. ANR proposes to transport approximately 80,000 dth natural gas on a peak and average day; and on an annual basis 29,200,000 dth of natural gas for HGEC. ANR proposes to receive the subject gas at existing points of receipt located in the states of Louisiana and Offshore Louisiana. ANR states that it will redeliver the gas for the account of HGEC at various existing points located in Acadia, Cameron, St. Landry and St. Mary Parishes, Louisiana. ANR states that no new facilities are required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's Regulations. ANR commenced such self-implementing service on December 15, 1989, as reported in Docket No. ST90–1381–000.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

34. Panhandle Eastern Pipe Line Company

[Docket No. CP90–792–000]

February 22, 1990.

Take notice that on February 15, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–792–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to provide an interruptible transportation service for NGC Transportation Inc. (NGC), a marketer, under the blanket certificate issued in Docket No. CP86–585–000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle states that pursuant to a transportation agreement dated August 4, 1989, it proposes to receive up to 75,000 dt equivalent of natural gas per day at specified points located in Colorado, Illinois, Kansas, Michigan, Ohio, Oklahoma and Texas and redeliver the gas into the facilities of Union Gas Limited located in Wayne County, Michigan. Panhandle estimates peak day, average day and annual volumes of 75,000 dt equivalent of natural gas, 2,000 dt equivalent of natural gas, and 730,000 dt equivalent of natural gas, respectively. It is stated that on January 1, 1990, Panhandle initiated a 120-day transportation service for NGC under § 284.223(a), as reported in Docket No. ST90–1697–000.

Panhandle further states that no facilities need be constructed to implement the service. Panhandle states that the service would continue on a month-to-month basis until terminated by Panhandle or NGC upon at least thirty days prior notice. Panhandle proposes to charge rates and abide by the terms and conditions of its Rate Schedule PT.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

35. Panhandle Eastern Pipe Line Company

[Docket No. CP90–793–000]

February 22, 1990.

Take notice that on February 15, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–793–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and

284.223) for authorization to provide an interruptible transportation service for BHP Gas Marketing (BHP), a marketer, under the blanket certificate issued in Docket No. CP86–585–000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle states that pursuant to a transportation agreement dated December 20, 1989, it proposes to receive up to 6,000 dt equivalent of natural gas per day at specified points located in Campbell, Converse, Lincoln, and Sweetwater Counties, Wyoming and redeliver the gas into the facilities of Colorado Interstate Gas Company in Sweetwater County, Wyoming. Panhandle estimates peak day, average day and annual volumes of 6,000 dt equivalent of natural gas, 4,000 dt equivalent of natural gas, and 1,460,000 dt equivalent of natural gas, respectively. It is stated that on January 1, 1990, Panhandle initiated a 120-day transportation service for NGC under § 284.223(a), as reported in Docket No. ST90–1698–000.

Panhandle further states that no facilities need be constructed to implement the service. Panhandle states that the service would continue on a month-to-month basis until terminated by Panhandle or NGC upon at least thirty days prior notice. Panhandle proposes to charge rates and abide by the terms and conditions of its Rate Schedule PT.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

36. Transcontinental Gas Pipe Line Corporation

[Docket No. CP90–801–000]

February 22, 1990.

Take notice that on February 16, 1990, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP90–801–000 a request pursuant to §§ 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Enermark Gas Gathering Corp. (Enermark) under the blanket certificate issued in Docket No. CP88–328–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco requests authorization to transport, on an interruptible basis, up to a maximum of 285,000 dt equivalent of natural gas per day for shipper from receipt points located onshore and offshore Texas and Louisiana to delivery points located in Mississippi, Virginia, Georgia, and in onshore Texas and Louisiana. Transco estimates peak day, average day and annual volumes of 285,000 dt equivalent of natural gas, 20,000 dt equivalent of natural gas, and 104,525,000 dt equivalent of natural gas, respectively. Transco states that the transportation of natural gas for Enermark commenced on January 4, 1990, as reported in Docket No. ST90–1784–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Transco in Docket No. CP88–328–000.

Transco further states that no facilities need be constructed to implement the service. Transco states that the service would continue until terminated by either Transco or shipper upon at least thirty days written notice. Transco proposes to charge rates and abide by the terms and conditions of its Rate Schedule IT.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

37. Transcontinental Gas Pipe Line Corporation

[Docket No. CP90–800–000]

February 22, 1990.

Take notice that on February 16, 1990, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP90–800–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Transco Energy Marketing Company (shipper) under the blanket certificate issued in Docket No. CP88–328–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco requests authorization to transport, on an interruptible basis, up to a maximum of 40,000 dt equivalent of natural gas per day for shipper from receipt points located in specified blocks in the Eugene Island and West Cameron areas of offshore Louisiana to delivery points located in other blocks in the Eugene Island and West Cameron Areas of offshore Louisiana. Transco estimates peak day, average day and annual volumes of 40,000 dt equivalent of natural gas, 15,000 dt equivalent of natural gas, and 5,475,000 dt equivalent of natural gas, respectively. Transco states that the transportation of natural gas for shipper commenced on January 1, 1990, as reported in Docket No. ST90–1784–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Transco in Docket No. CP88–328–000.

Transco further states that no facilities need be constructed to implement the service. Transco states that the service would continue until terminated by either Transco or shipper upon at least thirty days written notice. Transco proposes to charge rates and abide by the terms and conditions of its Rate Schedule IT.

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

38. Texas Eastern Transmission Corporation

[Docket No. CP90–779–000]

February 22, 1990.

Take notice that on February 15, 1990, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252–2521, filed in Docket No. CP90–779–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for Elf Aquitaine, Inc. (Elf Aquitaine), a producer of natural gas, under its blanket certificate issued in Docket No. CP88–136–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Eastern states that the maximum daily, average daily and annual quantities that it would transport for Elf Aquitaine would be 50,000 MMBtu equivalent of natural gas, 50,000 MMBTu equivalent of Natural gas and 18,250,000 MMBtu equivalent of natural gas, respectively.

Texas Eastern states that it would transport natural gas for Elf Aquitaine from various receipt points in Texas and offshore Louisiana to various delivery points in Louisiana and Mississippi.

Texas Eastern indicates that in a filing made with the Commission in Docket ST90–1292, it reported that transportation service for Elf Aquitaine commenced on November 13, 1989 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

39. Transcontinental Gas Pipe Line Corporation

[Docket No. CP90-803-000]

February 22, 1990.

Take notice that on February 16, 1990, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP90-803-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for Louis Dreyfuss Energy Corporation (Louis Dreyfuss) under its blanket certificate issued in Docket No. CP88-328-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Transco states that it would receive the gas at existing points of receipt in Louisiana and offshore Louisiana and would redeliver the gas for Louis Dreyfuss at a existing interconnections located in Alabama, Maryland, Pennsylvania, Mississippi, Virginia, South Carolina, New York, New Jersey, North Carolina, Delaware, Georgia, Texas and Louisiana.

Transco further states that the maximum daily, average daily and annual quantities that it would transport for Louis Dreyfuss would be 9,975,000 dt equivalent of natural gas, 100,000 dt equivalent of natural gas and 3,640,875,000 dt equivalent of natural gas, respectively.

Transco indicates that in a filing made with the Commission in Docket No. ST90-1562, it reported that transportation service for Louis Dreyfuss commenced on January 1, 1990 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: April 9, 1990, in accordance with Standard Paragraph G at the end of this notice.

40. Northwest Pipeline Corporation

[Docket No. CP90-772-000]

February 22, 1990.

Take notice that on February 14, 990, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP90-772-000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new meter station to be named the Puget Power Meter Station, in Pierce County, Washington, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Puget Sound Power and Light Company (Puget Power) owns an electrical generation facility in Pierce County, Washington which uses natural gas in the operation of two 89 megawatt simple-cycle turbine generators. It is stated that Northwest understands that the Puget Power electrical facility has dual fuel capability; i.e. it can utilize either natural gas or No. 2 fuel oil. Northwest states that historically, the natural gas requirements of Puget Power have been served by Washington Natural Gas Company (Washington Natural), a local distribution company customer of Northwest. Washington Natural is able to deliver gas supplies, both system supply gas purchased from Northwest and spot market gas transported by Northwest, to Puget Power through a segment of distribution pipeline which extends from Northwest's existing Frederickson Meter Station to Puget Power's plant piping.

Northwest further states that Puget Power has requested that Northwest provide a direct delivery connection to Puget Power's plant. Specifically, Puget Power has requested that Northwest apply for Commission authority to construct and operate a new meter station, to be installed in two phases. Northwest states that Puget Power desires completion of the first phase by the November 1, 1990, termination date of its service arrangements with Washington Natural, with the second phase to be completed in 1994 coincident with a plant expansion proposed by Puget Power.

Northwest requests certificate authorization to construct and operate the new Puget Power Meter Station in Pierce County, Washington. Northwest states that the new meter station will be located on Puget Power's plant property near the existing Frederickson Meter Station and will deliver gas from Northwest's 26-inch mainline and 30-inch mainline loop directly into Puget Sound's plant piping. Northwest proposes to construct the meter station in two phases. The first phase will consist of two 10-inch taps, two 12-inch turbine meters, two regulators and appurtenant facilities designed to deliver an annual volume of 17,520,000 MMBtu's at a peak daily rate of 48,000 MMBtu's. Northwest states that in the second phase it would add two 12-inch turbine meters, two additional regulators and the associated equipment necessary to enable the station to deliver a total annual volume of 56,940,000 MMBtu's at a peak day rate of approximately 156,000 MMBtu per day. The second phase construction is proposed to occur in 1994. Northwest estimates the total cost of the proposed meter station, including filing fees, will be approximately $772,900, with phase I construction estimated to cost $579,400 and phase II construction estimated to cost $193,500, which would be financed with funds on hand.

Northwest states that once the new meter station is authorized and constructed, the flexible delivery point authority (18 CFR 284.221(h)) under Northwest's blanket transportation certificate will be utilized to commence deliveries to Puget Power at the new point under an existing authorized transportation agreement with Puget Power.

Comment date: March 15, 1990, in accordance with Standard Paragraph F at the end of this notice.

41. Paiute Pipeline Company

[Docket Nos. CP90-767-000, CP87-309-008 and CP78-221-003]

February 22, 1990.

Take notice that on February 14, 1990, Paiute Pipeline Company (Applicant), P.O. Box 94197, Las Vegas, Nevada 89193-4197, filed in Docket Nos. CP90-767-000, CP87-309-008 and CP78-221-003 an application pursuant to section 7 of the Natural Gas Act and Part 157 of the Commission's Regulations under the Natural Gas Act (18 CFR part 157) for a certificate of public convenience and necessity authorizing Applicant to: (1) Provide separate contract storage services from its liquefied natural gas (LNG) storage facility and its liquefied petroleum gas (LPG) propane/air storage facility; (2) sell to its initial LNG contract storage service customers, at net book cost, upon the date of sale, all of Applicant's LNG working gas inventory; and (3) modify Applicant's service obligations to its firm service customers so as to conform such obligations to the operating capabilities and limitations of Applicant's transmission system. In addition, Applicant requests that the Commission amend certain prior related certificate authorizations as deemed necessary to implement the proposals set forth in its application, and grant permission and approval for Applicant to abandon its jurisdictional sales service to be a transporter only.

Applicant states that the purpose of its application is to obtain the necessary certificate-related authorizations that must be granted to Applicant in order to effectuate an offer of settlement (Settlement Offer) which Applicant states is being filed in the instant proceedings and in its general rate case in Docket No. RP88-227.

From its LNG storage facility located near Lovelock, Nevada (LNG Plant),

Applicant proposes to provide firm storage service under Rate Schedule LGS–1 upon the conversions by its sales customers of their firm sales entitlements to firm transportation. Applicant states that each customer will contract for a specified "Storage Capacity," which will represent the maximum equivalent quantity of natural gas that Applicant will be obligated to store for that customer, and a specified "Daily Delivery Capacity," which will represent the maximum equivalent quantity of natural gas that Applicant will be obligated to vaporize and deliver into its pipeline system on a given day for the customer's account. Applicant proposes go provide service to the following customers in the following quantities.

Customer	Storage capacity	Daily delivery capacity
CP National	83,030 Dt	6,290 DT.
Sierra Pacific	450,422 Dt	34,123 Dt.
Southwest-Northern California.	55,982 Dt	4,241 Dt.
Southwest-Northern Nevada.	334,566 Dt	25,346 Dt.

Applicant proposes to charge for service under Rate Schedule LGS–1: Two demand charges—a Delivery Charge of $4.4495 per Dt of Daily Delivery Capacity per month and a Storage Charge of $0.3371 per Dt of Storage Capacity per month, and two commodity charges—an Injection Charge of $0.0000 per Dt of natural gas tendered for liquefaction and a Withdrawal Charge of $0.0000 per Dt for natural gas vaporized and delivered to the customer.

From its LPG propane/air storage and injection facility located near Reno, Nevado (LPG Plant), Applicant proposes to render firm storage service under Rate Schedule LGS–2 upon the conversion by Applicant's customers of their firm sales entitlements to firm transportation. Applicant states that reach customer will contract for a specified "Storage Capacity," which will represent the maximum quantity for LPG that Applicant will be obligated to store for that customer, and a specified "Daily Delivery Capacity, " which will repesent the maximum quantity of LPG that Applicant will be obligated to gasify and deliver into its pipeline system on a given day for the customer's account. Applicant proposes to provide service to the following customers in the following quantities:

Customer	Storage capacity	Daily delivery capacity
Sierra Pacific	73,118 Dt	16,051 Dt.
Southwest-Northern California.	9,088 Dt	1,995 Dt.
Southwest-Northern Nevada.	54,311 Dt	11,923 Dt.

Applicant proposes to charge for service under Rate Schedule LGS–2: two demand charges—a Delivery Charge of $2.5937 per Dt of Daily Delivery Capacity per month and a Storage Charge of $0.5694 per Dt of Storage Capacity per month, and a single commodity charge, referred to as a Withdrawal Charge of $0,0000 per Dt of natural gas gasified and delivered to the customer.

Applicant states that because of the particular nature of the LNG Plant's originally intended use in providing supplemental system capacity during limited, peak demand periods, and the intended use of the LPG Plant as a peak shaving facility, the specific design characteristics and physical limitations of these facilities, would require that service under Rate Schedules LGS–1 and LGS–2 be subject to several special operating limitations and conditions. Among these limitations and conditions are the following: (1a) (LNG Plant)—withdrawals of gas from storage and injections of gas into storage will generally be permitted only during the winter and summer periods, respectively; (1b) (LPG Plant)—withdrawals of gas will generally only be permitted during the winter hearing season, although withdrawals will be allowed at other times if operating circumstances permit and the customer has properly arranged with Applicant to schedule the withdrawals; (2) (LNG Plant and LPG Plant)—each customer will be required to maintain a minimum inventory level of 20% of its Storage Capacity throughout most of the winter heating season. Applicant will have the right to direct usage of such gas when necessary to protect its system operational integrity or to alleviate emergency supply shortages at critical points on its system; (3) (LNG Plant)—each customer will receive a small quantity of gas from its storage inventory throughout the year due to "boil-off," a natural process of LNG vaporization; and (4) (LNG Plant and LPG Plant)—in order to provide its customers with greater flexibility and protection during ususual gas demand situations, Applicant's Rate Schedule LGS–1 and LGS–2 customers will be permitted to transfer storage inventory quantities among one another within the same plant.

Applicant also requests that the Commission authorize Applicant to sell its LNG working gas inventory to its initial Rate Schedule LGS–1 storage service customers upon the conversion by Applicant's sales customers of their firm sales entitlements to firm transportation. Applicant states that under the Settlement Offer it will no longer engage in the purchase or sale of natural gas, and thus will have no need to maintain a working gas storage inventory to supplement sales services. Applicant proposes to sell the LNG working gas inventory to its initial LNG storage service customers at a price equal to Applicant's net book cost of such inventory as of the date of sale. Applicant indicates that the quantity of LNG to be sold will be that quantity contained in the LNG Plant on the date of sale that is in excess of 76,000 Dt equivalent of natural gas (Applicant's cushion gas inventory). Applicant further states that the quantity of gas to be sold will be allocated among the customers in proportion to the ratio of each customer's current firm sales contract entitlement quantity to the total of all customers' firm sales contract entitlement quantities.

Applicant further requests that the Commission modify Applicant's existing service obligations to its firm service customers so as to conform such obligations to the operating capabilities and limitations of Applicant's transmission system resulting from approval of the Settlement Offer and the authorizations requested in the application.

Finally, Applicant requests that the Commission amend the prior certificates issued in Docket Nos. CP78–221 and CP87–309, to the extent that amendment is deemed necessary so as to allow Applicant to utilize its LNG Plant to provide the contract storage service proposed herein. In addition, Applicant requests that the Commission grant permission and approval for Applicant to abandon, effective upon its customers' conversions of their firm sales entitlements to firm transportation, the sales for resale of natural gas which Applicant was authorized to perform in Docket No. CP87–309.

Applicant requests that the authorizations sought by its application be granted effective upon its customers' conversions of their firm sales entitlements to firm transportation, which, under the Settlement Offer, are to occur on the first day of the month following the month within which the Settlement Offer becomes effective in

accordance with its terms. Applicant also states that it seeks the authorizations requested in its application contingent upon approval by the commission of the Settlement Offer.

Comment date: March 15, 1990 in accordance with Standard Paragraph F at the end of the notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a peitition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4768 Filed 3-1-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. MT88-1-004, et al.]

Algonguin Gas Transmission Co., et al.; Natural Gas Pipeline Rate Filings

February 22, 1990.

Take notice that the following filings have been made with the Commission:

1. Algonguin Gas Transmission

[Docket No. MT88-1-004]

Take notice that on February 20, 1990, Algonquin Gas Transmission Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Second Revised Volume No. 1:

Revised First Revised Sheet No. 663

Comment date: March 9, 1990, in accordance with Standard Paragraph K at the end of this notice.

2. Florida Gas Transmission Co.

[Docket No. MT88-29-007]

February 22, 1990.

Take notice that on February 20, 1990, Florida Gas Transmission Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(a)(2) of the Commission's Regulations as part of its FERC Gas Tariff, First Revised Volume No. 1:

Substitute 3rd Revised Sheet No. 57D
Substitute 1st Revised Sheet No. 57E
Substitute 1st Revised Sheet No. 57G

Comment date: March 9, 1990, in accordance with Standard Paragraph K at the end of this notice.

Standard Paragraph:

K. Any person desiring to be heard or to protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4767 Filed 3-1-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD90-04597T]

Designation of Tight Formation, Limestone & Leon Counties, Texas, Texas-9, Addition-8; Tight Formation Determination

February 23, 1990.

Take notice that on February 2, 1990, the Railroad Commission of Texas (Texas) submitted to the Commission its determination that the Travis Peak Formation underlying certain portions of the Farrar, SE Field located in Limestone and Leon Counties, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The application includes the Railroad Commission's order issued January 10, 1990, finding that the formation meets the requirements of the Commission's regulations set forth in 18 CFR Part 271.

Any person desiring to be heard or to protest Texas' determination should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214 (1988)). All such comments should be filed within 20 days after publication of this notice in the **Federal Register.** Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4806 Filed 3-1-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ90-2-1-001]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Adjustment

February 23, 1990.

Take notice that on February 16, 1990, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama, 35631, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet:

Alternate Substitute Alternate Nineteenth Revised Sheet No. 4

The tariff sheet is proposed to become effective February 5, 1990. Alabama-Tennessee requests an alternative effective date of February 16, 1990. Alabama-Tennessee states that the purpose of the instant filing is to correct certain errors contained on Substitute Alternate Nineteenth Revised Sheet No. 4 filed in Docket No. TQ90-2-1-000 and to clarify certain aspects of that filing. According to Alabama-Tennessee, the adjustment is based upon the cost of supplies from Tennessee Gas Pipeline Company as reflected in that company's out-of-cycle PGA filed in Docket No. TQ90-2-9.

Alabama-Tennessee has requested any necessary waivers of the Commission's Regulations in order to permit the tariff sheets to become effective as proposed.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 2, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4765 Filed 3-1-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-8-20-000, TM90-7-20-001]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

February 26, 1990.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on February 21, 1990, tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 1, as set forth in the revised tariff sheets:

Proposed to be effective November 1, 1989

Substitute Twenty-third Revised Sheet No. 211
Substitute Nineteenth Revised Sheet No. 214

Proposed to be effective December 1, 1989

First Revised Substitute Twenty-third Revised Sheet No. 211
Substitute First Revised Nineteenth Revised Sheet No. 214

Proposed to be effective January 1, 1990

Second Revised Substitute Twenty-third Revised Sheet No. 211
Second Revised Nineteenth Revised Sheet No. 214

Proposed to be effective February 1, 1990

Third Revised Nineteenth Revised Sheet No. 214

Algonquin states that those above-named sheets are being filed to concurrently track the rate changes contained in Texas Eastern Corporation's January 29, 1990 filing in Docket No. TA90-4-17-000.

Algonquin notes that copies of this filing were served upon each of the affected parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All motions or protests should be filed on or before March 5, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4807 Filed 3-1-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-1-23-000]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

February 26, 1990.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on February 20, 1990 certain revised tariff sheets included in Appendix A attached to the filing. Such sheets are proposed to be effective November 1, 1989 and February 1, 1990, respectively.

ESNG states that the purpose of the filing is twofold; (1) to "track" reductions to Transcontinental Gas Pipe Line Corporation (Transco) fixed monthly TOP charges approved by the Commission and, (2) to make revisions to its various storage service rates to "track" changes in the rates ESNG is charged by Transco and Columbia Gas Transmission Corporation (Columbia), respectively.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 5, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4808 Filed 3-1-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-81-000]

El Paso Natural Gas Co.; Tariff Filing

February 22, 1990.

Take notice that on February 16, 1990, pursuant to part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act and in accordance with sections 21 and 22, Take-or-Pay Buyout and Buydown Cost Recovery, of El Paso Natural Gas Company's ("El Paso") First Revised Volume No. 1 and Original Volume No. 1-A FERC Gas Tariffs, respectively, El Paso tendered for filing and acceptance certain tariff sheets that reflect a revision to the Monthly Direct Charge and Throughput Surcharge based on additional buyout and buydown costs not included in any of El Paso's previous filings to recover certain buyout and buydown costs, amounts in litigation that have been settled as permitted to be recovered pursuant to El Paso's tariff, and adjustments to previous filings made by El Paso to recover certain buyout and buydown costs.

The adjustments proposed by the filing are for adjustments to El Paso's Monthly Direct Charge and Throughput Surcharge (increase from $0.1836 per dth to $0.3157 per dth).

Pursuant to section 21.6 of El Paso's Volume No. 1 Tariff, El Paso is required to file with the Commission certain information supporting the buyout and/or buydown amounts paid. Accordingly, El Paso states that it is submitting concurrently, under separate cover letter, the schedules reflecting such information for which El Paso has requested confidential treatment.

El Paso respectfully requested that the Commission grant such waivers of its applicable rules and regulations as may be necessary to permit the tendered tariff sheets to become effective March 1, 1990.

Copies of the filing were served upon all interstate pipeline system sales customers and shippers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 1, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4764 Filed 3-1-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES90-26-000]

Citizens Utilities Co.; Notice of Application

February 26, 1990.

Take notice that on February 21, 1990, Citizens Utilities Company ("Applicant") filed an application with the Federal Energy Regulatory Commission ("Commission"), pursuant to section 204 of the Federal Power Act, relating to the issuance of stock dividends payable in shares of Series A common stock on outstanding Series A common stock and payable at the same rate in shares of Series B common stock on outstanding Series B common stock from time to time prior to December 31, 1991, or for an order exempting the issuance of such stock dividends from the jurisdiction of the Commission under section 204 of the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 8, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4810 Filed 3-1-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-70-009 and RP88-69-004]

Stingray Pipeline Co.; Compliance Filing

February 26, 1990.

Take notice that Stingray Pipeline Company (Stingray) on February 21, 1990 tendered for filing Second Substitute Seventeenth Revised Sheet No. 4 in order to reflect a pagination change and eliminate an overrun rate reference. The proposed effective date is February 1, 1990.

Stingray states that copies of its filing have been served on all parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before March 5, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4809 Filed 3-1-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-3-42-002]

Transwestern Pipeline Co.; Compliance Filing

February 23, 1990.

Take notice that Transwestern Pipeline Company (Transwestern) on February 15, 1990 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet:

Effective December 1, 1989

Substitute Original Sheet No. 5M

Statement of Purpose, Reason and Nature of Filing

On November 30, 1989, Transwestern filed a tariff sheet to be effective December 1, 1989, seeking to direct bill its Account No. 191 balance as of September 30, 1989. Transwestern's direct billing was made pursuant to the Commission orders [1] authorizing the implementation of Transwestern's Gas Inventory Charge, the termination of its Purchase Gas Adjustment clause, and the close out of its Account No. 191 balances. In its December 29, 1989 Order, the Commission accepted and suspended the tariff sheet filed November 30, 1989 to be effective December 1, 1989, subject to refund and certain conditions. In response to a

[1] *See* 43 FERC ¶61,240 (1988), 44 FERC ¶61,164 (1988) and 48 FERC ¶61,136 (1989).

protest filed by Williams Natural Gas Company (WNG), the Commission also required Transwestern to revise the allocation of cost between WNG and Southern California Gas Company (SoCalGas) because WNG's purchase obligation and Transwestern's sales service obligation were abandoned as of February 1, 1989. Pursuant to, and in compliance with, Ordering Paragraph (E) of the December 29, 1989 Order, Transwestern submitted the above referenced tariff sheet.

Transwestern respectfully requests that the Commission grant any and all waivers of its rules, regulations and orders as may be necessary so as to permit the above listed tariff sheet to become effective December 1, 1989, as provided in the December 29, 1989 Order.

Transwestern states that copies of the filing were served on Transwestern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 2, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4766 Filed 3-1-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders During the week of October 30, Through November 3, 1989

During the week of October 30 through November 3, 1989, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains of list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Generial Electric Company, 11/2/89, LFA-0001

The General Electric Company (GE) filed an Appeal from a partial denial by the FOI Authorizing Official (Authorizing Official), Albuquerque Operations Office, of a Request for Information which GE had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the Authorizing Official was correct in denying GE's request to obtain a document which had been withheld under Exemption 5 of the FOIA. Important issues that were considered in the Decision and Order were (i) whether the document was exempt from release under Exemption 5, and (ii) whether any further segregation and release of purely factual material was possible.

The Die-Gem Company, Inc., 10/30/89, KFA-0317.

The Die-Gem Company, Inc. (Die-Gem) filed as Appeal of a partial denial by the DOE's Inspector General of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that information regarding the identity of DOE and FBI investigative personnel and DIE-Gem employees referred to in DOE investigative records, as well as the identity of and information provided by a confidential source were properly withheld pursuant to FOIA Exemption 7 (C) and (D). Accordingly, the Appeal was denied.

Refund Applications

Atlantic Richfield Company/Cardona Arco Station, et al., 11/2/89, RF304-2700, et al.

The DOE issued a Decision and Order concerning thirty-eight Applications for Refund filed in the Atlantic Richfield Company (ARCO) special refund proceeding. All of the applicants documented the volume of their ARCO purchases and were end-users or reseller/retailers requesting refunds of $5,000 or less. Therefore, each applicant was presumed injured. The refunds granted in this Decision totalled $74,658, including $18,588 in accrued interest.

Atlantic Richfield Company/D&H Oil Co. 10/30/89, RF304-4604

The DOE issued a Decision and Order concerning an Application for Refund filed in the Atlantic Richfield Company special refund proceeding. The applicant, a consignee, did not attempt to demonstrate that its commission income decreased as a result of the alleged ARCO overcharges. As a result, the application was denied.

Atlantic Richfield Company/Dennis Montrose, 11/1/89, RF304-1653

The DOE issued a Decision and Order concerning an Application for Refund filed in the Atlantic Richfield Company (ARCO) special refund proceeding by In N Out Interprises on behalf of a gas station the firm currently owns. The DOE found that In N Out failed to demonstrate that it was the proper recipient of a refund arising from purchases made by Dennis Montrose, the former operator of the station. Thus, the application was denied.

Atlantic Richfield Company/High Speed Service et al., 11/1/89, RF304-1548 et al.

The DOE issued a Decision and Order concerning seven Applications for Refund filed in the Atlantic Richfield Company (ARCO) special refund proceeding. All of the applicants documented the volume of their ARCO purchases and were reseller/retailers requesting refunds of $5,000 or less. The refunds granted in this Decision totaled $11,474, including $2,857 in interest.

Atlantic Richfield Company/Howard Skorka, 10/31/89, RF304-4278

The DOE issued a Decision and Order concerning an Application for Refund filed by Howard Skorka in the Atlantic Richfield Company special refund proceeding. Mr. Skorka documented that he purchased 3,067,140 gallons of ARCO products from an ARCO consignee. The DOE determined that purchases from ARCO consignees should be treated as direct purchases. Thus, Mr. Skorka was granted $2,254, his full volumetric allocation of the ARCO consent order fund. In addition, he was granted $748 in accrued interest, for a total refund of $3,002.

Atlantic Richfield Company/Prestige Stations, Inc., 10/31/89, RF304-6993, et al.

The DOE issued a Decision and Order concerning 283 Applications for Refund filed by Prestige Stations, Inc., in the Atlantic Richfield Company (ARCO) special refund proceeding. Because Prestige Stations, Inc. was a wholly owned subsidiary of the consent order firm during the period of price controls the DOE determined that these applications should be denied.

City of Tacoma, 10/30/89, RF272-29958

The Department of Energy (DOE) issued a Decision and Order concerning an Application for Refund submitted by the City of Tacoma (Tacoma). Tacoma requested a refund based on its

purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981 pursuant to the provisions of 10 CFR part 205, subpart V (subpart V). In this Decision, it was determined that Tacoma waived its rights to a subpart V crude oil refund by participating in the Stripper Well proceeding as a claimant in the Refiners Escrow. Thus, Tacoma was ineligible to receive a refund in the subpart V crude oil refund proceedings. Accordingly, the Application submitted by Tacoma was denied.

Compagnie Belge D Affretements, 10/31/89, RA272–15

The Department of Energy issued a Supplemental Order relating to a Decision and Order issued on October 16, 1989 which granted crude oil refunds to 20 applicants under 10 CFR part 205, subpart V. *Parcel Tankers, Inc., et al.*, 19 DOE ¶ 85,535 (1989) (*Parcel*). In *Parcel*, the DOE granted Compagnie Belge D'Affretements (Cobelfret), Case No. RF272–14968, a refund of $129.012 based upon purchases of 161,264,840 gallons of petroleum products. The DOE subsequently found, however, that Cobelfret's correct purchase volume was 164,264,840 gallons, and the firm was therefore entitled to a larger refund of $131,412. Accordingly, in the Supplemental Order, the DOE rescinded the $129,012 refund granted to Cobelfret in *Parcel* and granted Cobelfret the correct refund of $131,412.

Crown Central Petroleum Corporation/Clyde McGrady et al., 11/3/89, RF313–199 et al.

The DOE issued a Decision and Order considering applications filed by fifty-two purchasers of Crown refined petroleum products in the Crown Central Petroleum Corporation special refund proceeding. Each applicant was found to be eligible for a refund based on the volume of products it purchased from Crown. The refund applications were granted using a presumption of injury procedure set forth in *Crown Central Petroleum Corp.*, 18 DOE ¶ 85,326 (1988). The total amount of refunds approved in this Decision was $32,007, representing $26,696 in principal plus $5,311 in accrued interest.

Crown Central Petroleum Corporation/Shermidor Ltd. Sid's Crown, 11/3/89, RF313–310, RF313–311

The DOE issued a Decision and Order considering applications filed by two purchasers of Crown refined petroleum products in the Crown Central Petroleum Corporation special refund proceeding. Each applicant was found to be eligible for a refund based on the volume of products it purchased from Crown. The refund applications were granted using a presumption of injury procedure set forth in *Crown Central Petroleum Corp.*, 18 DOE ¶85,326 (1988). The total amount of refunds approved in this Decision was $14,960, representing $12,477 in principal plus $2,483 in accrued interest.

Daiichi Chuo Kisen Kaisha, 11/2/89, RA272–16

The Department of Energy issued a Supplemental Order relating to a Decision and Order issued on October 16, 1989 which granted crude oil refunds to 20 applicants under 10 CFR part 205, subpart V. *Parcel Tankers, Inc., et al.*, 19 DOE ¶85,535 (1989) (*Parcel*). In *Parcel*, the DOE granted Daiichi Chuo Kisen Kaisha (Daiichi), Case No. RF272–0270, a refund of $207,312 based upon purchases of 259,140,000 gallons of petroleum products. The DOE subsequently found, however, that Daiichi's correct purchase volume was 261,744,000 gallons, and the firm was therefore entitled to a larger refund of $209,395. Accordingly, in the Supplemental Order, the DOE rescinded the $207,312 refund granted to Daiichi in *Parcel* and granted Daiichi the correct refund of $209,395.

Exxon Corporation Amwell Service Center et al., 11/3/89, RF307–40 et al.

The DOE issued a Decision and Order concerning 15 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the Applicants purchased directly from Exxon and was either a reseller whose allocable share is less than $5,000 or an end-user of Exxon products. The DOE determined that each Applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $9,923 ($8,036 principal plus $1,887 interest).

Exxon Corporation/Bob's Auto Service et al., 11/3/89, RF307–1527 et al.

The DOE issued a Decision and Order concerning 125 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the Applicants purchased directly from Exxon and was a retailer of Exxon products whose allocable share is less than $5,000, or an end-user. The DOE determined that each Applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $104,857 ($84,918 principal plus $19,939 interest).

Exxon Corporation/Charles Bussey, Jr. et al., 11/1/89, RF307–1148 et al.

The DOE issued a Decision and Order concerning 17 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants purchased indirectly from Exxon, and was supplied by a firm that either (i) did not apply for an Exxon refund, (ii) had been granted a refund under a presumption of injury, or (iii) indicated in its Exxon refund application that it did not intend to make a showing of injury. In acccordance with prior Decisions, the claims of the applicants were therefore considered under the procedures used to evaluate direct purchase claims. Each applicant was retailer whose allocable share is less than $5,000 or an end-user of Exxon products. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $24,350 ($19,996 principal plus $4,354 interest).

Exxon Corporation/Chicago Candle Corp. et al., 11/1/89, RF307–5645 et al.

The DOE issued a Decision and Order concerning 58 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants purchased directly from Exxon and was a retailer of Exxon products whose allocable share is less than $5,000. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $43,180 ($34,971 principal plus $8,209 interest).

Exxon Corporation Gas Hy, Inc. et al., 11/2/89, RF307–8019 et al.

The DOE issued a Decision and Order concerning 12 Applications for Refund filed by Oscar M. Porcelli in the Exxon Corporation special refund proceeding with respect to 12 service stations. Because the stations were under common ownership during the consent order period, and because their allocable share exceeds $5,000, their applications were consolidated to apply the medium-range presumption of injury. Instead of making an injury showing to receive his full allocable share, Porcelli elected to limit his claim to $5,000 or 40 percent of his allocable share, whichever is greater. The total refund granted in this Decision is $12,748 ($10,324 principal plus $2,424 interest).

Exxon Corporation/Jerry W. Copland, Bedford Beck Vaughn, Bedford "Beck" Vaugh, 11/2/89, RF 307–1329, RF307–1330, RF 307–10064

The DOE issued a Decision and Order concerning three Applications for Refund filed in the Exxon Corporation special refund proceeding. The

Applications were based on the purchases of Exxon products by a station in Monterey, Tennessee. The two applications filed by Glenn V. Honeycutt (Case No. RF307–1329 and Case No. RF307–1330) were denied because he did not purchase the station until after the consent order period, and the right to a refund was not transferred to Honeycutt from the previous owners. The application filed by Bedford Vaughn (Case No. RF307–10064) was granted and Mr. Vaughn was found eligible to receive a refund based on his purchases from Exxon during the period he owned the station. The refund granted to Vaughn is $617 ($500 principal plus $117 interest).

Exxon Corporation/The BIBB Co., Delta Plant #4 et al., 11/2/89, RF307–437 et al.

The DOE issued a Decision and Order denying eight Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants filed claims based on the petroleum purchases made by the previous owners of the firms. Because the applicants did not demonstrate that the right to a refund was transferred to them from the previous owners, they were found to be ineligible to receive a refund in this proceeding.

Genesee County Road Commission, Board of School Commissioner of Mobile County, St. Louis County Department of Highways and Traffic, Montgomery County, Maryland, 11/3/89, RF272–8075, RF272–8095, RF272–8385, RF272–8390

Four governmental entities, Genesee County Road Commission, Board of School Commissioners of Mobile County, St. Louis County Department of Highways and Traffic, and Montgomery County, Maryland, filed Applications for Refund from the crude oil overcharge monies currently available for disbursement under 10 CFR part 205, subpart V. In their Applications, the applicants stated during the crude oil price control period they purchased petroleum products, principally gasoline and diesel fuel, which they consumed in providing services, e.g., fueling road maintenance equipment, school buses and police and fire vehicles. The DOE determined that the applicants were presumptively injured by crude oil overcharges as end-users of petroleum products in an activity unrelated to the petroleum industry. Accordingly, the Applications for Refund were granted. The total of the refunds approved in the decision is $38,124 based upon a total purchase volume of 47,655,503 gallons of petroleum products.

Getty Oil Company/Enron Corporation, 10/30/89, RF265–2861

The DOE issued a Decision and Order concerning an Application for Refund filed by the Enron Corporation (Enron), a reseller of natural gas liquid products covered by a Consent Order that the DOE entered into with the Getty Oil Company. Enron submitted information documenting the volume of its purchases of Getty butane/propane and elected to limit its claim on the basis of the percentage of injury presumption. The sum of the refunds approved in this Decision is $134,609, representing $64,779 in principal and $69,830 in accrued interest.

Getty Oil Company/Schuster Skelly Service, et al., 10/31/89, RF265–2817, et al.

The DOE issued a Decision and Order concerning seven Applications for Refund filed by retailers of refined petroleum products covered by a Consent Order that the DOE entered into with the Getty Oil Company. Each of the applicants submitted information documenting the volume of its Getty purchases and each claimant was eligible for a refund below the small claims threshold of $5,000. The sum of the refunds approved in this Decision is $37,095, representing $17,852 in principal and $19,243 in accrued interest.

Gulf Oil Corporation/Bauerstown Gulf, 11/2/89, RF300–10883

The DOE issued a Supplemental Decision and Order concerning a previous Decision, *Gulf Oil Corporation/Truck's Chevron Service, et al.*, which was issued on November 14, 1988. In that Decision, the DOE granted refunds to 63 applicants, including a refund of $2,603 to Bauerstown Gulf. However, this refund duplicates a second refund which was granted to the applicant on May 12, 1989. Therefore, the DOE rescinded the earlier refund amount of $2,603 granted to Bauerstown Gulf.

Gulf Oil Corporation/Bob's Holiday Gulf, et al., 11/03/89, RF300–9078, et al.

The DOE issued a Decision and Order concerning 17 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding by Energy Watch, Inc. The Applications were approved using a presumption of injury. The sum of the refunds granted in this Decision, including interest, is $41,754.

Gulf Oil Corporation/Bobby Joe Wheeler, 10/31/89, RF300–9668, RF300–9669, RF300–9670

The DOE issued a Decision and Order concerning three Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding by Bobby Joe Wheeler on behalf of three firms. Because the firms were under common ownership during the consent order period, and because their allocable share exceeds $5,000, it was found appropriate to consider them together when applying the presumptions of injury. The refund granted in this Decision, which includes both principal and interest, is $6,797.

Gulf Oil Corporation/China Gulf Station, et al., 11/1/89, RF300–50, et al.

The DOE issued a Decision and Order concerning three Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including accrued interest, is $13,182.

Gulf Oil Corporation/Collins & Collins, Inc., Jack E. Ryan, Sr., 10/30/89, RF300–4403, RF300–4406

The DOE issued a Decision and Order concerning two Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. The Applications were approved using a presumption of injury. The sum of the refunds granted in this Decision, which includes both principal and interest, is $4,385.

Gulf Oil Corporation/Combined Oil Company, 10/31/89, RF300–5250

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding. The applications were approved using a presumption of injury. The total refund granted in this Decision, including both principal and interest, is $6,797.

Gulf Oil Corporation/D & D Oil Company, Inc., 11/2/89, RF300–5328

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding by D & D Oil Company, Inc., a consignee and reseller of Gulf refined products. The applicant's refund was granted utilizing the appropriate presumptions of injury. The total refund granted in this Decision, including both principal and interest, is $5,586.

Gulf Oil Corporation/Douglas Dowson, Glenn Downson, 10/30/89, RF300–10881, RF300–10882

The DOE issued a Supplemental Order concerning an Application filed

by Douglas & Glenn Dowson (Case No. RF300–9673). The DOE determined that Douglas Dowson and Glenn Dowson are each entitled to receive a refund check equal to half the total refund amount originally awarded under Case No. RF300–9673.

Gulf Oil Corporation/Edward Trexler, et al., 10/30/89, RF300–10470, et al.

The DOE issued a Decision and Order concerning five Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including interest, is $9,174.

Gulf Oil Corporation/Farmers Cooperative Grain Company, 10/31/89, RF300–10246

The DOE issued a Decision and Order in the Gulf Oil Corporation special refund proceeding concerning an Application for Refund filed by Farmers Cooperative Grain Company (Farmers Cooperative), an agricultural cooperative which sold products to its members. Farmers Cooperative certified that it would pass through the total amount of any refund it receives to its members. The total refund amount granted in this Decision, inclusive of interest, is $7,320.

Gulf Oil Corporation/Ferguson-Reed-Spradlin, Inc., 11/1/89, RF300–4874

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding. The application was approved using a presumption of injury. The total refund granted in this Decision, including both principal and interest, is $6,797.

Gulf Oil Corporation/Fontaine Service Station, 11/3/89, RF300–7971

The DOE issued a Decision and Order concerning an Application for Refund submitted by P.A.D., Inc. on behalf of Fontaine Service Station in the Gulf Oil Corporation special refund proceeding. Fontaine's application was approved using a presumption of injury. On August 3, 1989, the DOE issued a Decision and Order barring P.A.D. and its president, Herbert Tanner, from representing refund applicants before the Office of Hearings and Appeals. *Herbert L. Tanner; P.A.D., Inc.*, 19 DOE ¶ 85,228 (1989). Accordingly, the refund check granted in this Decision was sent directly to the Applicant. The refund granted, which includes principal and interest, is $1,068.

Gulf Oil Corporation/Gold Kist, Inc., Gold Kist, Inc., Gold Kist, Inc., 11/2/89, RF300–10346, RF300–10347, RF300–10348

The DOE issued a Decision and Order concerning three Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding by Gold Kist, Inc. Each application was approved using the small claims presumption of injury. The sum of the refunds granted in this Decision, including accrued interest, is $5,603.

Gulf Oil Corporation/Growmark, Inc., 10/30/89, RF300–8393

The DOE issued a Decision and Order in the Gulf Oil Corporation special refund proceeding concerning an Application for Refund filed by Growmark, Inc., an agricultural cooperative which sold products to its members. Growmark certified that it will notify its Board of Directors of any refund received in the Gulf proceeding and that it will pass through the amount of any refund received to its members. The total refund amount granted in this Decision, inclusive of interest, is $52,005.

Gulf Oil Corporation/Herman Atchison, 10/31/89, RF300–5492

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding. The application was approved using a presumption of injury. The total refund granted in this Decision, including both principal and interest, is $2,522.

Gulf Oil Corporation/Kenneth E. Jones, Jr., et al., 10/30/89, RF300–9533, et al.

The DOE issued a Decision and Order concerning 29 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including accrued interest, is $54,111.

Gulf Oil Corporation/L. Wayne Snider, Snider Oil Co., Wayne Snider, 11/3/89, RF300–8308, RF300–8309, RF300–8389

The DOE issued a Decision and Order concerning three Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Because the firms are under common ownership and control, and because their combined allocable share exceeds $5,000, it was found appropriate to consolidate these Applications when applying the presumptions of injury. The total granted in this Decision, inclusive of interest, is $6,797.

Gulf Oil Corporation/Lasalle Oil Company, Inc., 10/30/89, RF300–5318

The DOE issued a Decision and Order concerning an Application for Refund in the Gulf Oil Corporation special refund proceeding. The applicant was eligible to receive a principal refund of $5,000 utilizing the appropriate presumptions of injury. However, the applicant was affiliated with another firm that already received a refund of $2,976 in this proceeding. Therefore, the DOE granted the applicant a principal refund amount of $2,024 plus $727 in accrued interest, for a total refund of $2,751.

Gulf Oil Corporation/Leaseway Transportation Corp., et al., 11/1/89, RF300–10119, et al.

The DOE issued a Decision and Order concerning 15 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using the end-user presumption of injury. The sum of the refunds granted in this Decision, including accrued interest, is $97,596.

Gulf Oil Corporation/Northeast Utilities Service Company, 10/30/89, RF300–8982

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding by Northeast Utilities Service Company (NUSCO), the purchasing agent for a regulated public utility. The Application was approved using the end-user presumption of injury. NUSCO certified that it would pass the refund through to its ratepayers. The sum of the refund granted in this Decision, including interest, is $72,790.

Gulf Oil Corporation/Odessa L.P.G. Transport, Inc., et al., 10/30/89, RF300–8813, et al.

The DOE issued a Decision and Order concerning six Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including interest, is $41,165.

Gulf Oil Corporation/Philadelphia Electric Company, 11/2/89, RF300–10682

The DOE issued a Decision and Order concerning one Application, for Refund submitted by the Philadelphia Electric Company (PECO) in the Gulf Oil Corporation special refund proceeding. Under the end-user presumption of injury, PECO was granted a refund based on its full allocable share. Under the procedures established in *Gulf Oil Corporation*, 16 DOE ¶ 85,381 (1987), for regulated utilities, PECO also certified

that it would notify the appropriate regulatory body of the refund received, and pass through the full amount of the refund to its customers. The amount of the refund granted in this Decision, including accrued interest, is $197,809.

Gulf Oil Corporation/Village Gulf Service, et al., 10/30/89, RF300–10517, et al.

The DOE issued a Decision and Order concerning 19 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including interest, is $33,738.

Hi-Grade Sand Co., et al., 11/1/89, RF272–17660, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 50 applicants based on their respective purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981. Each applicant was an end-user of the products it purchased and was therefore presumed injured by the alleged crude oil overcharges. The sum of the refunds granted in this Decision is $39,554. The applicants will be eligible for additional refunds as additional crude oil overcharge funds become available.

Hubbard Construction Co. et al., 10/30/89, RF272–4248 et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge monies to nine construction asphalt companies in the Subpart V crude oil refund proceeding. A consortium of States objected to the granting of these applications alleging the claimants passed through some portion of the alleged overcharges that they received. The DOE denied the Objections on the grounds that the industry-wide data submitted by the States was insufficient to rebut the presumption of industry established for end-users in this proceeding. The DOE granted a total refund of $878,857 to the nine applicants in this Decision.

McClure Oil Company/William L. Wegman, 11/2/89, RF320–1

The DOE issued a Decision and Order concerning one Application for Refund filed in the McClure Oil Company special refund proceeding. The applicant documented the volume of his purchases and was an end-user whose business was unrelated to the petroleum industry. Therefore, the applicant was presumed injured. The refund granted in this Decision totalled $72, including $20 in accrued interest.

Milliken & Company, 10/31/89, RF272–2578, RD272–2578

The Department of Energy (DOE) issued a Decision and Order granting a refund from crude oil overcharge funds to Milliken & Company based on its purchases of refined petroleum products during the period August 9, 1973, through January 27, 1981. The applicant used the products in its textile manufacturing operation, and determined its claim using actual purchase records. The applicant was an end-user of the products it purchased and was therefore presumed injured. A consortium of 32 states and two territories filed a Statement of Objections and Motion for Discovery with respect to the applicant. The DOE found that the states filings were insufficient to rebut the presumption of injury for end-users. Therefore, the Application for Refund was granted and the Motion for Discovery was denied. The refund granted is $107,251.

Murphy Oil Corporation/W.C. Bascom, Inc., 11/3/89, RF309–354

The DOE issued a Decision and Order granting an Application for Refund filed in the Murphy Oil Corporation special refund proceeding. The application of W.C. Bascom, Inc. was filed by Tiger Fuel company, which had purchased all of Bascom's outstanding stock. The OHA determined that the right to Bascom's refund had been transferred in the stock sale, and that Tiger was the rightful recipient of it. Accordingly, Tiger was granted a refund $435 ($359 in principal plus $76 in interest) based on Bascom's purchases of 439,415 gallons of petroleum products from Murphy.

Murphy Oil Corporation/Wally's Fuel, Inc., Wally's Tire Service, 10/30/89, RF309–1256, RF309–1257

The DOE issued a Decision and Order granting two Applications for Refund, which were filed by purchasers of refined petroleum products, in the Murphy Oil Corporation special refund proceeding. Since Wally's Fuel, Inc., and Wally's Tire Service were commonly owned, the companies gallonage figures were combined to determine the appropriate injury presumption. The applicants elected to rely on the mid-level presumption of injury defined in *Murphy Oil Corporation*, 17 DOE ¶ 85,782 (1988) *(Murphy)*. According to the procedures set forth in *Murphy*, the applicants were eligible for a single principal refund equal to 40 percent of their allocable share, based on their total covered purchases from Murphy. The total refund approved in this Decision was $7,393, comprised of $6,097 in principal and $1,296 in accrued interest.

Shell Oil Company/Central Truck Lines, Inc., 11/2/89, RF315–7758

The DOE issued a Supplemental Order rescinding its prior determination in *Shell Oil Company/Ken's Shell*, 19 DOE ¶ 85,022 (1989) (*Ken's Shell*) with respect to the five Applications for Refund filed by Central Truck Lines, Inc., (RF315–635 to RF315–639). The single refund check issued to Central Truck Lines, Inc. in *Ken's Shell* was rescinded because it had been returned as undeliverable by the postal service and no correct address for Central Truck Lines, Inc. could be found. This refund check was redeposited into the Shell Oil Company escrow account.

Shell Oil Co./Cross Roads Shell, 10/31/89, RF315–7748

The Department of Energy issued a Supplemental Order granting an additional refund of $1,433 (consisting of $1,191 in principal plus $242 in accrued interest) to Cross Roads Shell in the Shell Oil Company special refund proceeding. Due to a clerical error, the DOE had underpaid Cross Roads Shell that amount in the Decision of October 12, 1989, that had granted the firm's refund application.

Shell Oil Company/Peters Oil Co. et al., 10/30/89, RF315–2595 et al.

The DOE issued a Decision and Order granting 130 Applications for Refund filed in the Shell Oil Company special refund proceeding. Each of the applicants purchased directly from Shell and was either a reseller whose allocable share was less than $5,000 or and end-user of Shell products. Accordingly, each applicant was granted a refund equal to its full allocable share plus a proportionate share of the interest that has accrued on the Shell escrow account. The Decision granted $115,439 ($95,979 principal plus $19,460 interest) in refunds for 424,681,033 gallons of refined product.

Standard Oil Co. (Indiana)/Massachusetts Northeast Petroleum Industries/Massachusetts, 11/03/89, RM21–160, RM25–161

The DOE issued a Decision and Order granting the Motion for Modification filed by the Commonwealth of Massachusetts concerning funds previously approved in the Standard Oil Co., (Indiana) and Northeast Petroleum Industries special refund proceedings. Massachusetts requested approval to use $314,500 in unspent second-stage funds to develop information services that would encourage ridesharing and

vanpooling in high-density employment areas of the state. The DOE found that this program would provide restitution to injured petroleum consumers by reducing their energy costs.

Williams County Highway Department, 10/30/89, RF272–59457

Williams County Highway Department filed an amended application for an additional refund in the Subpart V crude oil refund proceedings. The amended application was based on purchases of asphalt-based road construction materials for which the applicant did not claim a refund in its original application, which was granted in *Village of Wolbach, et al.*,17 DOE ¶ 85,307 (1988). In its amended claim, the applicant provided volumes of its purchases by product. After rejecting the portion of its claim regarding the liquid asphalt component of the paving materials it purchased, the DOE determined that a refund could be granted based on its purchases of road oils. Accordingly, the amended application was approved in part and Williams County Highway Department was granted an additional refund of $261.

Dismissals

The following submissions were dismissed:

Name	Case No.
A. J. Cozzone	RF304–4009
East River Spur	RF309–1311
Farmers Elevator Company of Zell	RF272–75540
Hamilton Oil Co	RF304–7817
Hayes Central Arco	RF304–10299
Hopkins Spur Service	RF309–1351
Panola County	RF272–75692
Penn Empire Transport, Inc.	RF272–75537
Pike Record Company	RF272–75655
Rehill's Arco	RF304–7779
Schneider's Shell Service	RF315–1006
School District of Greenville County, South Carolina.	RF272–74253
Suwannee Valley Transit Authority	RF272–75811
Twin Lakes Gulf	RF300–10262
New Jersey Transit Bus Operations	RF304–8436 thru RF304–8451

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: February 22, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 90–4841 Filed 3–1–90; 8:45 am]

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Issuance of Decisions and Orders During the Week of December 18 through December 22, 1989

During the week of December 18 through December 22, 1989, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

MKS Instruments, Inc., 12/22/89, LFA–0008

MKS Instruments, Inc. filed an Appeal from a denial by the DOE Albuquerque Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act. In denying the Appeal, the DOE found that the withheld document had never been in the DOE's possession, and was not an agency record subject to the FOIA.

The National Security Archive, 12/21/89, LFA–0010

The National Security Archive (NSA) filed an Appeal with the Office of Hearings and Appeals (OHA) from a denial by the Director, Office of Classification and Technology Policy (OCTP) of the Department of Energy (DOE) of a request for documents under the Freedom of Information Act (FOIA). The NSA asserted that the DOE had too narrowly interpreted its request, and therefore, it challenged the adequacy of the search. In considering the Appeal, the OHA found that the OCTP had conducted an adequate search of its own files, but, that the DOE may have interpreted the request too narrowly. Accordingly, the proceeding was remanded to the Chief of the DOE FOI and Privacy Acts Branch.

Motion for Modification and/or Rescission

Kern Oil & Redining Company, Larry D. Delpit, 12/19/89, LRR–0001

Kern Oil & Refining Company and Larry D. Delpit filed a joint Motion for Reconsideration of a Decision issued to them on October 25, 1989, insofar as it denied their request for contemporaneous construction discovery. The DOE found no merit to the Petitioners' arguments that the October 25 Decision had either applied an incorrect standard to requests for contemporaneous construction discovery, or had incorrectly applied that standard in the present case. The DOE reaffirmed its prior determination that contemporaneous construction discovery was not warranted because the Petitioners had not demonstrated that discovery would yield relevant information that would be useful in resolving any disputed issues in the proceeding. Accordingly, the Motion for Reconsideration was denied.

Refund Applications

Albany Asphalt & Aggregates Corp., 12/19/89, RF272–24561

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Albany Asphalt & Aggregates Corp., a manufacturer of hot bituminous concrete and hot liquid emulsion, based on its purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. The applicant demonstrated the volume of its claim by consulting actual records and by using a reasonable estimate of its purchases. The DOE found, however, that the applicant had entered into several contracts during the period of price controls which contained price adjustment clauses, and had received compensation for approximately 30 percent of its purchases, or 1,530,132 gallons of liquid asphalt, emulsion base, and cutbacks during the period April 1, 1978 through December 31, 1980 as a result of those clauses. The applicant was not injured in those instances and was found ineligible to receive a refund for the purchases covered by such clauses. The applicant was an end-user of the remaining 13,842,522 gallons of products it claimed, and was therefore presumed injured. The amount of the refund granted in this Decision is $11,074.

Atlantic Richfield Company/Space Age Fuel, Mrs. Louise Zandell 12/18/89, RF304–09160, RF304–10786

The DOE issued a Decision and Order concerning Applications for Refund filed by Space Age Fuel and Ms. Louise Zandell in the Atlantic Richfield Company (ARCO) special refund proceeding. Because Space Age Fuel had purchased only the assets of Zandell Oil Company from Mr. Warren Zandell, Mrs. Zandell's late husband, she was determined to be the party injured and was granted a refund based on her late husband's documented purchases of refined products during the consent order period. Mr. Zandell elected to limit

her refund to $5,000 plus accrued interest under the small claims injury presumption. The refund granted in this Decision equaled $6,704, including $1,704 in accrued interest.

Beacon Oil Company/Apollo Oil Company, Apollo Distributors Wolverton Oil, Inc., 12/18/89, FR238-26, RF238-66, RF238-67

The DOE issued a Decision and Order concerning three Applications for Refund filed in the Beacon Oil Company (Beacon) special refund proceeding. Each of the applicants claimed a small claims refund based on unpaid Beacon motor gasoline credits to Apollo Oil Company, a firm which ceased operation and was dissolved in 1983. Because all of Apollo Oil Company's known and unknown assets were assigned to Apollo Oil Distributors at the time of corporate dissolution, the DOE determined that the current shareholders in Apollo Oil Distributors were the proper recipients of the Beacon refund. Apollo Oil Distributor's refund totaled $10,156, including $5,866 in accrued interest.

E.D.G., Inc./Kent Oil and Trading Company, 12/18/89, RF311-10

The DOE issued a Decision and Order concerning an Application for Refund submitted by Kent Oil & Trading Company (Kent) in the E.D.G., Inc. (EDG) special refund proceeding. Kent's application was denied on the basis that Kent was not one of the 28 identified reseller-retailer customers of EDG whose specific purchases were the subject matter of the consent order entered into between the DOE and EDG.

Exxon Corporation/Allsbrook Oil Co., 12/22/89, RF307-10081

The DOE rescinded a portion of one refund granted in *Exxon Corp./Abilene Reporter-News*, 19 DOE ¶ 85,381 (1989). In that Decision, the DOE granted Allsbrook Oil Co. a refund based upon its purchases from Exxon. However, the DOE discovered that the claimant had been incorrectly awarded too large a refund. Accordingly, the DOE rescinded the excess portion of Allsbrook's refund.

Exxon Corporation/Tri-City Oil Co. Deepwater Oil Terminals, Inc., 12/22/89, RF307-6973, RF307-6988

The DOE issued a Decision and Order concerning two Applications for Refund filed in the Exxon Corporation special refund proceeding. Each firm purchased directly from Exxon and was a reseller of Exxon products. Each firm's allocable share exceeds $5,000. Instead of making an injury showing to receive its full allocable share, each applicant choose to accept $5,000 or 40 percent of its allocable share, whichever is greater. The sum of the refunds granted in this Decision is $42,364 ($33,807 principal and $8,557 interest).

Gulf Oil Corporation/C & G Gulf Service, 12/21/89, RF300-54

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding on behalf of C & G Gulf Service (C&G), a gas station operated by two partners. One partner sold his interest in the station to the other partner; only the latter partner applied. The DOE determined that the applicant was only entitled to a refund equal to 50 percent of the allocable share. The application was approved using a presumption of injury. The refund granted in this Decision, including accrued interest, is $637.

Gulf Oil Corporations/Hillside Chevron, Inc., Wasser Super Service, Inc., 12/20/89, RF300-9544, RF300-9545

The DOE issued a Decision and Order concerning two Applicants for Refund submitted in the Gulf Oil Corporation special refund proceeding by Charles LaMarca. Mr. LaMarca requested a refund for Gulf purchases made at a gas station he owned (Hillside Chevron, Inc.) and for purchases made at that station under the previous owner (Wasser Super Service, Inc.). His Application for Refund based upon purchases made by the previous owner of the station was denied and the Application for Refund based upon his own purchases of Gulf products was granted. The total refund granted to Hillside Chevron, Inc. in this Decision, which includes both principal and interest, is $556.

Gulf Oil Corporation/Holiday Gulf, et al., 12/20/89, RF300-8476, et al.

The DOE issued a Decision and Order concerning five Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each applicant established that it purchased some or all of its Gulf products indirectly from a Gulf. The firms that supplied these five applicants either have not applied in the Gulf proceeding, have not attempted to prove injury, or have already received a refund in the Gulf proceeding under an injury presumption. Accordingly, the DOE treated the five applicants in the same manner as it generally treats applicants who purchased directly from Gulf. The DOE also determined that it would treat an application in which the firm Fuel Refunds, Inc. attempted to take over from P.A.D., Inc. as the applicant's representative in the same manner as all other P.A.D. applications are treated. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including accrued interest, is $2,294.

Gulf Oil Corporation/Lenkard Aircraft Service, Inc., Corporate Jet Refuelers, Inc., 12/20/89, RF300-8961, RF300-10902

The DOE granted a refund of $10,499 to Corporate Jet Refuelers, Inc. in *Gulf Oil Corporation/Pride Petroleum, Inc., et al.* 18 DOE ¶ 85,171 (1989) (Case No. RF300-6909). Subsequently, the DOE determined that because of ownership changes, Lenkard Aircraft Service, Inc. is the proper recipient of the refund and rescinded the refund granted to Corporate Jet. The total refund granted to Lenkard is $3,643 and the amount that Corporate Jet must remit to the DOE is $10,499.

Gulf Oil Corporation/Strube Propane, Inc. et al., 12/21/89, RF300-340, et al.

The DOE issued a Decision and Order concerning four Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding by retailers of Gulf products. The applications were approved using a presumption of injury. The sum of the refunds granted is $11,756.

Northeast Utilities Service Co., 12/22/89, RF272-9086

A service organization for a group of public utilities filed an Application for Refund in the Subpart V crude oil refund proceedings. A group of states filed objections to this application, claiming that the applicant should not be eligible to receive refunds because it was not injured as a result of crude oil overcharges. The DOE rejected the state's arguments, finding that the crude oil proceedings specifically provided for refunds to be made to utilities, provided they certify that the will pass 100 percent of any refund to their customers and that they will notify appropriate state regulatory agencies of receipt of any refund. The DOE then reviewed the application and found that the information provided therein supported the firm's claim and provided the necessary certifications. Accordingly, the DOE granted a refund based on the end-user presumption of injury in the amount of $4,299,943.

Northern Improvement Co., 12/18/89, RF272-24063

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Northern Improvement Co., a builder of highways, bridges, and other public works, based

on its purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. The applicant demonstrated the volume of its claim by consulting actual records and by using a reasonable estimate of its purchases. The DOE found, however, that the applicant had entered into several contracts during the period of price controls which contained price adjustment clauses, and had received compensation for 61,864 gallons of diesel fuel and fuel oil and a result of those clauses. The applicant was not injured in those instances and was found ineligible to receive a refund for the purchases covered by such clauses. The applicant was an end-user of the remaining 78,181,830 gallons of products it claimed, and was therefore presumed injured. The amount of the refund granted in this Decision of $62,545.

Placid Oil Company/U-Filler-Up No. 1, et al., 12/22/89, RF314–10, et al.

The DOE issued a Decision and Order concerning nine Applications for refund submitted in the Placid Oil Company special refund proceeding by U-Filler-Up, Inc., which owns nine Placid retail stations. The applications were approved under the small claims presumption of injury. The amount of the refund granted is $7,182.

Placid Oil Company/A.T. Willimans Oil Company, et al., 12/21/89, RF314–7, et al.

The DOE issued a Decision and Order concerning four Applications for Refund submitted in the Placid Oil Company special refund proceeding by reseller of Placid products. The applications were approved using the 40 percent presumption of injury. The sum of the refunds granted is $30,441.

Power Test Petroleum Dist., Inc./K & J, 12/19/89, RF316–5

The DOE issued a Decision and Order concerning an Application for Refund submitted by K & J in the Power Test Petroleum Distributors, Inc. special refund proceeding. K & J's application was approved using a presumption of injury. The total refund granted in this Decision, including accrued interest, is $7,202.

The Dexter Corporation, 12/22/89, RF272–7119, RD272–7119

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to The Dexter Corporation, a manufacturer of pulp and paper products. In reaching its determination, the DOE rejected the Objections to the applicant's claim submitted by a group of States and denied the States' Motion for Discovery. Specifically, the DOE restated its position that industry-wide data in general is insufficient to rebut the presumption that an end-user outside of the petroleum industry was injured by crude oil overcharges. The DOE also determined that the States' showing of sustained growth and profitability of a particular industry or firm does not rebut the end-user presumption. Accordingly, Dexter was granted a refund of $36,179.

Tri-City Gas, Inc., 12/21/89, RF272–47667

The DOE issued a Decision and Order denying an Application for Refund in the Subpart V crude oil refund proceeding. The Decision found that since the Entitlements Program spread the effects of the alleged crude oil overcharges equally among all resellers, Tri-City Gas, Inc., as a reseller, would not have been placed at a competitive disadvantage by these alleged overcharges. For this reason, it would be unreasonable to adopt an injury presumption for resellers in the crude oil refund proceeding. Tri-City Gas, Inc. submitted no evidence or arguments establishing any injury from the alleged crude oil overcharges and, accordingly, its application was denied.

Refund Applications

The Office of Hearings and Appeals granted refunds to applicants in the following Decisions and Orders:

Name	Case No.	Date
Benedictine Hospital *et al.*	RF272–47721	12/20/89
Dudley Watson *et al.*	RF272–44067	12/21/89
Emulsion Marketing, Inc., *et al.*	RF272–25325	12/20/89
Exxon Corp./ Playground Exxon *et al.*	RF307–2875	12/20/89
Gulf Oil Corp./Cenla Gulf *et al.*	RF300–10521	12/22/89
Gulf Oil Corp./ Chappell's E–Z Co. 343.	RF300–9697	12/19/89
Chappell's E–Z Co. 333.	RF300–9698	12/19/89
Gulf Oil Corp./G. Crawford Delivery & Storage Co.	RF300–8232	12/20/89
Tipton County School System.	RF300–8455	
Gulf Oil Corp./ School Board of Broward County.	RF300–10102	12/20/89
Port City Beverage Co.	RF300–10237	
Gulf Oil Corp./ Walker's Gulf *et al.*	RF300–10008	12/20/89
Murphy Oil Corp./ C.E. Glover Grocery *et al.*	RF309–66	12/21/89
Shell Oil Co./W.H. Emmart & Son, Inc. *et al.*	RF315–1	12/18/89
Shell Oil Co./U.S. Petroleum Co., Inc. *et al.*	RF315–2128	12/19/89
Sidney J. Bernstein, Inc. *et al.*	RF272–44541	12/20/89
Weidman Excavating *et al.*	RF272–54009	12/21/89

Dismissals

The following submissions were dimissed:

Name	Case No.
Chris Danias	RF307–5347
Coral Way Exxon	RF307–7392
	RF307–7393
Donald H. Sprake	RF272–25661
Jay's Fuel Stop	RF300–8494
Oasis Petroleum Corporation	KRO–0700
	KRO–0650
	KRD–0650
	KRH–0650
	LRZ–0001
	LRZ–0002
	LRZ–0003
Premier Industrial Corp.	RF272–77368
William N. Aldridge	RF272–25857
Williams Brothers Construction	RF272–77367

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: February 22, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 90–4842 Filed 3–1–90; 8:45 am]

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Issuance of Decisions and Orders During the Week of December 11 Through December 15, 1989

During the week of December 11 through December 15, 1989, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Leonard S. Spector, 12/11/89, KFA–0048

Leonard S. Spector filed an Appeal from a denial by the Director, DOE Office of Classification, of a Request for Information that he submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE, in consultation with the Defense Intelligence Agency, found that the title of the requested document should be released to the public, but that the Director had otherwise properly withheld the requested document in its entirety under Exemption 1 of the FOIA. In addition, the DOE found that the same material should also be withheld under Exemption 3 of the FOIA.

Robert Burns, 12/14/89, LFA-0007

Robert Burns filed an Appeal from a denial by the DOE's Inspector General of a Request for Information which Mr. Burns had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the Inspector General's determination should be upheld. In his Appeal, Mr. Burns argued (i) that the records at issue are not protected from disclosure by Exemption 7(A) because they do not involve the enforcement of a statute or a regulation within the IG's authority and (ii) that the records are not "law enforcement records" because the IG lacks the authority to "bring either criminal or civil enforcement proceedings" against the subject of the investigation. The DOE rejected these arguments, and also found that disclosure would not be in the public interest. The Appeal was accordingly denied.

Request for Exception

Puerto Rico, 12/14/89, LEE-0001

The DOE issued a Decision and Order granting an Application for Exception filed by the Commonwealth of Puerto Rico. Puerto Rico had requested an exception from the requirement of 10 CFR Part 455 that buildings eligible for grants under the Institutional Conservation Program (ICP) be heated or cooled by mechanical means. Puerto Rico requested relief that would permit it to use ICP funds to install energy-efficient lighting systems in its public school buildings. However, these buildings were not eligible for ICP monies because they were cooled by trade winds rather than by mechanical means. The Commonwealth argued that its mild climate eliminated the need for mechanical cooling and heating and that this requirement imposed an unfair burden and a gross inequity on Puerto Rico. The DOE agreed and granted the exception.

Refund Applications

Allied Heating of Sharon Hill, et al., 12/13/89, RF272-21108, et al.

The DOE issued a Decision and Order considering six Applications for Refund filed in the subpart V crude oil refund proceeding. Each applicant was a reseller or retailer of refined petroleum products and, therefore, was presumed not injured by the alleged crude oil overcharges. None of the applicants was able to overcome this presumption by demonstrating that it was injured due to the crude oil overchargers. Accordingly, all of the Applications were denied.

Burton R. Davis, 12/15/89, RC272-75

The DOE issued a Supplemental Order concerning the Decision and Order issued to Mark C. Herrington, et al., Case No. RF272-71200, et al., (July 10, 1989). Specifically the Supplemental Order rescinded the $127 refund granted to Burton R. Davis in Case No. RF272-71332.

City of Tallahassee, 12/12/89, RF272-23657

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to the City of Tallahassee, based on its purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. Tallahassee demonstrated the volume of its claim by consulting contemporaneous records and certified that it would pass on to its customers that part of the refund pertaining to petroleum purchases by the City's utilities. Tallahassee was an end-user of the products it claimed and was therefore presumed injured by the DOE. Accordingly, the DOE granted it a refund of $311,941.

Exxon Corporation/Crowley Maritime Corp., et al., 12/11/89, RF307-4868, et al.

The DOE issued a Decision and Order concerning five Applications for Refund filed in the Exxon Corporation special refund proceeding. Each firm purchased directly from Exxon and was an end-user of Exxon products. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $189,668 ($151,360 principal and $38,308 interest).

Exxon Corporation/P.O.C. Exxon, 12/13/89, RF307-945

The DOE issued a Decision and Order denying an Application for Refund filed by Energy Refunds, Inc. on behalf of Lottie Quinn, the owner of P.O.C. Exxon in the Exxon Corporation special refund proceeding. Ms. Quinn was not the owner of the station during the consent order period, and submitted no arguments or information to demonstrate that she was injured by Exxon's overcharges. Accordingly, P.O.C. Exxon's application was denied.

Gulf Oil Corporation/Defense Logistics Agency, 12/11/89, RF300-8194

The DOE issued a Decision and Order concerning an Application for Refund filed by the Defense Logistics Agency (DLA), a end-user of petroleum products, on behalf of the United States Department of Defense. The DLA based its claim on both actual records and estimates. The DOE approved the DLA's method of estimation. The total refund granted in this Decision, including accrued interest, is $785,293.

Gulf Oil Corporation/E.I. Du Pont De Neumours and Company, 12/15/89, RF300-10537

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding by E.I. du Pont de Neumours and Company. The application was approved under the end-user presumption of injury. The refund granted in this Decision, including interest, is $771,265.

Gulf Oil Corporation/Knox Oil of Texas, Inc., 12/15/89, RF300-5151

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding. The application was approved using a presumption of injury. The total refund granted in this Decision, including both principal and interest, is $4,063. However, it is not appropriate at this time to disburse the refund to the applicant because the applicant is the subject of a remedial order. Therefore, the refund amount will be placed in a separate escrow account pending the outcome of the applicant's appeal of the remedial order.

Gulf Oil Corporation/Wingert Oil Company, Wingert Oil Company, 12/15/89 RF300-4871, FR300-10886

The DOE issued a Decision and Order concerning two Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding on behalf of Wingert Oil Company (Wingert). One was submitted by the current owner of Wingert's stock (RF300-4871). The other was submitted by George Wingert, the owner of Wingert's stock during the consent order period (RF300-10886). The DOE determined that despite the stock transfer, the owner during the consent

order period was entitled to the refund for Wingert's Gulf purchases. The total refund granted in this Decision, inclusive of interest, is $54,442.

H & M Oil Company, Inc., McDougald Oil Company, Inc., 12/12/89, RF272-35849, RF272-35898

The DOE issued a Decision and Order denying refunds from crude oil overcharge funds to two applicants based on their respective purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. The DOE determined that the applicants were either resellers or retailers of refined petroleum products and consequently were not accorded the benefit of the end-user presumption. Since neither of the applicants submitted any supporting documentation proving that they were injured as a result of the alleged overcharges, their applications were denied.

Murphy Oil Corporation/Allen G. Spike, 12/13/89, RF309-427

The DOE issued a Decision and Order granting a refund to Allen G. Spike in the Murphy Oil Corporation special refund proceeding. A portion of the purchase volume claimed by Mr. Spike's two stations was purchased on a "meter market" basis from Murphy. Under this system, retailers would pay Murphy a per gallon price multiplied by the volume of Murphy gasoline which they sold, as recorded on meters attached to their pumps. We found that Mr. Spike, unlike commission agents, was eligible to rely on the reseller injury presumptions for the meter market purchases of his stations because meter marketers themselves established the prices at which they resold the Murphy petroleum products to their customers. One of Mr. Spike's stations also purchased Murphy petroleum products in the conventional manner. The total gallonage approved for Mr. Spike was 6,826,953 gallons, and the total refund granted was $6,148 (comprised of $5,000 in principal and $1,148 in interest).

Placid Oil Company/Pigott Oil Company, Inc., et al., 12/15/89, RF314-8 et al.

The DOE issued a Decision and Order concerning six Applications for Refund submitted in the Placid Oil Company special refund proceeding by resellers of Placid products. The applications were approved using a presumption of injury. The sum of the refunds granted is $15,871.

R.J. Reynolds Tobacco USA, 12/12/89, RF272-2603, RD272-2603

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to R.J. Reynolds Tobacco USA based on its purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981. The firm used the products in its industrial operations, and determined its claim using actual purchase records and estimates. The applicant was an end-user of the products it claimed and was therefore presumed injured. A consortium of 32 states and two territories (the States) filed a Statement of Objections and Motion for Discovery with respect to the applicant. The DOE found that the States' filings were insufficient to rebut the presumption of injury for end-users. Therefore, the Motion for Discovery was denied and the applicant was granted a refund of $28,754.

Verser Farms, et al., 12/12/89, RF272-35407, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to seven applicants based on their respective purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. All of the applicants were end-users of the products they claimed and were therefore presumed by the DOE to have been injured. The sum of the refunds granted in this Decision is $1,931.

Refund Applications

The Office of Hearings and Appeals granted refunds to refund applicants in the following Decisions and Orders:

Name	Case No.	Date
Atlantic Richfield Co./Ernie's Arco *et al*	RF304-7902	12/13/89
Atlantic Richfield Co./M&J Gas Co., Inc. *et al*	RF304-5205	12/13/89
Charles D. Cribb *et al*	RF272-11649	12/11/89
Exxon Corp./Antullio Altreche Tavarex *et al*	RF307-8802	12/11/89
Exxon Corp./Bob Jones Exxon *et al*	RF307-15	12/11/89
Exxon Corp./Heidelberg Exxon *et al*	RF307-717	12/14/89
Exxon Corp./Ted's Exxon Service Center *et al*	RF307-1763	12/14/89
Exxon Corp./Tucker's Exxon Service *et al*	RF307-1801	12/15/89
Golden Flake Snack Foods, Inc. *et al*	RF272-48659	12/14/89
Gulf Oil Corp./Appel Fuel Service Co., Inc.	RF300-2674	12/11/89
Gulf Oil Corp./Bills Six Forks Gulf *et al*	RF300-9580	12/15/89
Gulf Oil Corp./Callaway Butane Co	RF300-10180	12/14/89
Gulf Oil Corp./Eldridge Bros., Inc. *et al*	RF300-10463	12/15/89
Gulf Oil Corp./Gary's Transport #556	RF300-10188	12/12/89
Gulf Oil Corp./Gulf Service Center	RF300-10903	12/15/89
Gulf Oil Corp./Hartwell Gulf *et al*	RF300-10025	12/11/89
Gulf Oil Corp./Jim's Gulf Service Station, Inc. #20	RF300-10615	12/13/89
Jim's Gulf Service Station, Inc. #27	RF300-10616	
Jim's Gulf Service Station, Inc. #41	RF300-10617	
Gulf Oil Corp./Logan's Gulf *et al*	RF300-10006	12/11/89
Gulf Oil Corp./Owens Gulf Service *et al*	RF300-8459	12/11/89
Gulf Oil Corp./Sunbright Service Station *et al*	RF300-9564	12/15/89
Gulf Oil Corp./Watson Auto Laundry, Inc.	RF300-8872; RF300-8873; RF300-8874; RF300-8875; RF300-8876	12/14/89
Phillip Hughes *et al*	RF272-14889	12/13/89
Shell Oil Co./Clifford P. Lunson *et al*	RF315-4001	12/15/89
Shell Oil Corp./Mirko, Inc. *et al*	RF315-1061	12/13/89
The True Companies/Cal Gas Corp.	RF195-5	12/14/89
Total Petroleum/Webb Oil Co.	RF310-218	12/12/89

Dismissals

The following submissions were dismissed:

Name and Case No.

Advance Oil Company; RF300–7674
Al's E–Z Go Station #5; RF300–10365
Alvin Everhart; RF300–7886
Barney Service Station; RF300–7648
Bob Gulf; RF300–7968
Cain Chemical Inc.; RF272–75724
C.O. Tankard Company, Inc.; RF300–8006
Corner Grocery; RF300–7622, RF300–7623, RF300–7627, RF300–7630, RF300–7632, RF300–7633, RF300–7637, RF300–7647
Dave's Gulf; RF300–7745,
Franklin Road Gulf; RF300–7959
Gerry's Gulf; RF300–10504
Hawthorne Gulf Service Station; RF300–7748
Joe's Grocery; RF300–7976
Milgliore Brothers, Inc.; RF307–7958
Modern Oil Company; RF300–10550
Nukkette Garage, Inc.; RF300–10231
Republic Taxi Company; RF300–7892
Robert E. Caddell; LFA–0005
Saddle Brook Gulf; RF300–7698
Savings Oil Co.; RF309–868, RF309–933, RF309–1001, RF309–1139, RF309–1262
Sun Company, Inc.; RF300–8269
Wallace Service Station; RF300–10489
World-Wide Steel Systems; RF272–35558

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in *Energy Management Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: February 22, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 90–4843 Filed 3–1–90, 8:45 am]

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Issuance of Decisions and Orders During the Week of January 22 through January 26, 1990

During the week of January 22 through January 26, 1990 the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Douglas L. Parker, 1/25/90, LEA–0016

Douglas L. Parker filed an Appeal from a determination made by the DOE's Freedom of Information and Privacy Acts Activities Branch to a Request for Information submitted under the Freedom of Information Act. OHA found that there had been a breakdown in communication between the requester and the FOI Branch, which resulted in the request being read more broadly than it was intended by the requester. The determination also denied Parker's petition for a fee waiver. The misinterpretation was resolved by OHA, resulting in a new determination being issued by the FOI Branch to the requester. In dismissing the Appeal, OHA found that the new determination, combined with the small quantity of documents which the FOI Branch found responsive to the reformulated request, made the issues raised by the appeal moot.

Kenneth W. Shopman, 1/22/90, LFA–0020

The Department of Energy's (DOE) Office of Hearings and Appeals (OHA) considered and dismissed an appeal filed by Kenneth W. Shoopman under the Freedom of Information and Privacy Act. Shoopman argued that the San Francisco Operations Office did not conduct an adequate search. However, OHA dismissed this appeal because the request was originally directed to the Federal Bureau of Investigation, and the DOE did not conduct the search, but rather just determined whether certain documents that were originally generated by the DOE should be released.

Robert Gregory Peed, 1/22/90, LFA–0017

Robert Gregory Peed (Peed) filed an Appeal from a determination issued by the Chief Counsel of the Oak Ridge Operations Office of the Department of Energy (DOE). That determination denied, in part, a Request for Information which Peed had submitted under the Privacy Act. In considering the Appeal, the DOE found that the Chief Counsel had correctly withheld a document entitled "Case Analysis and Review" under 5 U.S.C. 552a(d)(5) since that document had been created in anticipated of a civil proceeding. The DOE also determined that the fact that Peed did not now have any intention of instituting legal action against the DOE was irrelevant to the determination of the document's exempt status under section (d)(5). Accordingly, the Appeal was denied.

Implementation of Special Refund Procedures

Bi-Petro, Inc., 1/22/90, LEF–0001

The DOE issued a Decision and Order implementing procedures for the distribution of $1,571,215.42, plus interest, in alleged crude oil overcharge funds obtained from Bi-Petro, Inc. The DOE determined that the funds will be distributed in accordance with the DOE's Modified Statement of restitutionary Policy Concerning Crude Oil Overcharges. Accordingly, 80 percent of the funds is to be divided equally between the States and the Federal government and 20 percent of the funds is to be reserved for direct restitution to injured parties submitting claims to the Office of Hearings and Appeals under 10 CFR part 205, subpart V. The specific information to be included in the applications for refunds, which must be submitted by March 31, 1991, is included in the Decision. However, applications should not be filed by applicants who have previously filed refund claims in the Crude Oil Subpart v Refund Proceeding.

Cibro Sales Corporation, Inc., 1/22/90, KEF–0136

The Office of Hearings and Appeals announces the final procedures for disbursement of $1,179,461 in principal, plus accrued interest, in alleged crude oil violation amounts obtained by the DOE under the terms of a consent order entered into with Cibro Sales Corporation, Inc. OHA determined that the funds will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986). Applications for refund must be filed by March 31, 1991.

Refund Applications

Alan Kaspar, 1/24/90, RF272–35596

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Alan Kaspar (Kaspar) for his purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. Kaspar used income tax records to support his gallonage claim. In addition, Kaspar was an end-user of the products he claimed and was therefore presumed by the DOE to have been injured. The refund granted in this Decision is $45. Kaspar will be eligible for additional refunds as additional crude oil overcharge funds become available.

Bell Helicopter Textron, Inc., 1/26/90, RF272–11967

The DOE issued a Decision and Order granting Bell Helicopter Textron Inc.'s Application for Refund filed in the crude oil refund proceeding. The Applicant was an end-user of petroleum products. Deducted from Bell's total gallonage was the gallonage Bell had used while fulfilling "cost plus" contracts (wherein Bell was reimbursed for increases in the

price of petroleum) with the U.S. government. Accordingly, the applicant was granted a refund equal to its full allocable share plus a proportionate share of the interest that has accrued on the crude escrow account. The Decision granted a refund of $3,634 for 4,542,327 gallons.

Belridge Oil Co./Pennsylvania, 1/25/90, RQ8–544

On May 23, 1984, the Department of Energy (DOE) issued a Decision and Order granting $4,296, plus accrued interest, to the Commonwealth of Pennsylvania in the Belridge Oil Company special refund proceeding. *See Belridge Oil Co./Pennsylvania,* 12 DOE ¶ 85,031 (1984). The DOE issued two duplicate checks to the Commonwealth because the State Treasurer notified the DOE that he had not received the first check. To rectify the situation, a recent review of the Belridge account indicated that the Commonwealth had cashed both checks. The present decision notified Pennsylvania that the DOE would withhold $6,129 from Pennsylvania's next Stripper Well payment, and would transfer that amount to the Belridge escrow account.

Charter Oil Co./Mississippi, 1/25/90, RQ251–536

The DOE issued a Decision and Order granting the second-stage refund application filed by the State of Mississippi in the Charter Oil Co. special refund proceeding. Mississippi requested a total of $306,000 for two programs. The first program rehabilitates the Great River Railroad, improving the track to allow the trains to run faster and more reliably. The improved railroad will be more fuel efficient, and its increased speed and reliability allow it to be used in conjunction with barges to transport grain. The second program develops agricultural demonstration projects faster to persuade the farm community to adopt energy efficient farming techniques.

Chrysler First Inc. et al., 1/24/90, RF272–50072 et al.

The DOE issued a Decision and Order denying six Applications for Refund filed by plants, divisions, and subsidiaries of Chrysler Corporation (Chrysler) in the Subpart V Crude Oil refund proceeding. Since Chrysler Transport, Inc. (a subsidiary of Chrysler) previously released the rights of itself and its parent and affiliated companies to other crude oil refunds by signing the Waiver and Release required for its Stripper Well Surface Transporters claim, the DOE determined that Chrysler was not eligible for any refunds in this proceeding. In particular, the DOE found that Chrysler waived its rights to crude oil refunds arising from future unknown claims, including those of its American Motors (and Jeep/Eagle) operations, which Chrysler did not own when Chrysler Transport executed its Stripper Well Waiver. Accordingly, Chrysler's refund applications were denied.

Exxon Corporation, Defense Fuel Supply Center, 1/24/90, RF307–8485

The DOE issued a Decision and Order concerning an Application for Refund filed by the Defense Fuel Supply Center (DFSC) in the Exxon Corporation special refund proceeding. Because the DFSC was an end-user which purchased directly from Exxon, the DOE determined that it was eligible to receive a refund equal to its full allocable share. The sum of the refund granted in this Decision is $314,143 ($248,964 principal plus $65,179 interest).

Exxon Corporation/Marie's Exxon, 1/24/90, RR307–2

The DOE issued a Decision and Order granting a Motion for Reconsideration filed by Marie's Exxon (Marie's) in the Exxon Corporation special refund proceeding. In its Motion, Marie's requests reconsideration of an earlier determination based on additional gallonage information for 1974. In light of the known deficiencies in Exxon's information for 1974, the DOE determined that Marie's 1974 gallonage figure should be adjusted to an amount that is more representative of the firm's level of purchases in other years. Accordingly, Marie's was granted an additional refund of $76 ($60 principal plus $16 interest).

Exxon Corporation/Texas Eastman Company, Penn Central Transportation Company, Union Carbide Corporation, 1/25/90, RF307–8432, RF307–8447, RF307–8637

The DOE issued a Decision and Order concerning three Applications for Refund filed in the Exxon Corporation special refund proceeding. Because each applicant was an end-user which purchased directly from Exxon, the DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $657,899 ($521,397 principal plus $136,502 interest).

Exxon Corporation/Walnut Cove Fuel Supply et al., 1/22/90, RF307–10090 et al.

The DOE rescinded one refund granted in *Exxon Corp./Heidelberg Exxon,* Case Nos. RF307–717 *et al.* (December 14, 1989). In this Decision, the DOE granted Walnut Cove Fuel Supply a refund based upon its purchases from Exxon. However, the DOE discovered that this improperly awarded the claimant too large a refund. Accordingly, the refund was rescinded.

Gulf Oil Corporation/Frosty's Gulf Service, Boston's Gulf Service, 1/25/90, RF300–3671, RF300–10889

The DOE issued a Decision and Order concerning two Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. The applicant owned Frosty's Gulf Service during the consent order period but did not own Boston's Gulf Service during the consent order period. The OHA determined that the applicant was entitled to a refund for Frosty's purchases but not for Boston's purchases. The applicant received a total refund of $1,051 (inclusive of interest) in this Decision. The Application on behalf of Boston's (Case No. RF300–10889) was denied.

Hollingsworth & Vose Company, 1/22/90, RF272–55119, RD272–55119

The DOE issued a Decision and Order concerning an Application for Refund filed by Hollingsworth & Vose Company (Hillingsworth) from the crude oil fund being disbursed by the DOE under 10 CFR part 205, subpart V. The DOE determined that Hollingsworth's refund claim was meritorious and granted the firm a refund of $32,731. The DOE also denied a Motion for Discovery filed by a consortium of 32 States and Territories and rejected their challenge to the Hollingsworth claim. The DOE denied the States' objections, finding that the industry-wide econometric data submitted by the States did not rebut the presumption that Hollingsworth was injured by the crude oil overcharges.

Moore Brothers, et al., 1/26/90, RF272–4527 et al.

The DOE issued a Decision and Order denying refunds from crude oil overcharge funds to seven applicants based on their estimated purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981. The applicants failed to provide documentation of their purchases or adequate explanations for their estimations. Consequently, their applications were denied.

Murphy Oil Corporation/Amoco Oil Company, 1/24/90, RF309–617

The DOE issued a Decision and Order granting an Application for Refund in the Murphy Oil Corporation special refund proceeding. Amoco Oil Company (Amoco) purchased distillate fuels and

kerosene-based jet fuels from Murphy on a regular basis, but sporadically purchased motor gasoline from Murphy. We preliminary found that Amoco was a spot purchaser of Murphy motor gasoline, and Amoco did not provide any additional information or arguments which opposed this finding. Therefore, the portion of Amoco's claim based upon its motor gasoline purchases was denied. Amoco was granted a refund based on its Murphy distillate fuel and kerosene-based jet fuel purchases under the mid-level injury presumption utilized for petroleum marketers, as described in *Murphy Oil Corporation*, 17 DOE ¶ 85,782 (1988). The total volume approved in this Decision was 72,627,553 gallons, and the total refund granted was $29,384 ($23,735 in principal and $5,649 in interest).

Popejoy Construction Co., Inc., Trumbull Corporation, 1/25/90, RF272-30950, RD272-30950, RF272-34072, RD272-34072

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to Popejoy Construction Co., Inc. (Popejoy) and Trumbull Corporation (Trumbull), construction companies principally involved in highway construction and the production of paving asphalt. In reaching its determination, the DOE rejected the Objections to the applicants' claims submitted by a group of States and denied the States' Motions for Discovery. The DOE held that industry-wide data, with no particular reference to the applicant, is insufficient to rebut the presumption of injury for end-users outside of the petroleum industry. The DOE also stated that the mere contention that an industry had the ability to pass through overcharges is not convincing evidence that a particular claimant was likely in fact to have passed through overcharges. Accordingly, Popejoy and Trumbull were granted refunds totaling $54,712.

Potlatch Corp., 1/24/90, RF272-65, RD272-65

The DOE issued a Decision and Order granting a refund from the crude oil refund proceeding to Potlatch Corp. (Potlatch), a pulp and paper manufacturer. In reaching its determination, the DOE rejected the objections to the applicant's claim submitted by a group of States and denied the States' Motion for Discovery. Specifically, the DOE restated its position that the type of industry-wide data submitted by the States is insufficient to rebut the presumption that end-users outside the petroleum industry were injured by the crude oil overcharges. The DOE also determined that the States' showing of increased profitability of a particular industry or firm does not reubt the end-user presumption. The total refund granted to Potlatch was $119,348.

Regional Transportation Authority, Chicago, City of Chicago, Fleet Administration, 1/22/90, RF272-27623, RF272-30033

The Department of Energy (DOE) issued a Decision and Order concerning two Applications for Refund submitted by the Regional Transportation Authority, Chicago (RTA) and the City of Chicago, Fleet Administration (Fleet Administration). Both applicants requested refunds based on their purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981, pursuant to the provisions of 10 CFR part 205, subpart V (subpart V). In this Decision, it was determined that the City of Chicago's Department of Streets and Sanitation had waived Fleet Administration's rights to a subpart V crude oil refund by participating in the Stripper Well agreement. On the other hand, RTA demonstrated that it should not be bound by the Waiver signed by Chicago's Department of Streets and Sanitation because it is not a Chicago municipal agency, but a entity existing under the Illinois state government. Accordingly, RTA was eligible to receive a subpart V crude oil refund. The refund granted to RTA was $2,982.

Ryder Truck Rental, Inc., 1/23/90, RF272-327, RD272-327

The DOE issued a Decision and Order denying the application of Ryder Truck Rental, Inc., a vehicle rental firm, in the crude oil subpart V proceeding. For the purposes of subpart V proceedings, vehicle rental firms are considered to be retailers. Because Ryder failed to demonstrate that it was injured due to the crude oil overcharges, it was found to be ineligible for a crude oil refund. Accordingly, Ryder's Application for Refund was denied. A group of States and Territories opposing the claim had filed a Motion for Discovery, which was also denied.

Sun State Marine, Inc., 1/24/90, RF272-7141, RD272-7141

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Sun State Marine, Inc., a marine towing company. A group of twenty-nine States and two Territories filed objections to the receipt of any refund by Sun, contending that the firm had suffered no actual injury as a result of crude oil overcharges. In addition, the States filed a Motion for Discovery. The DOE determined that the evidence offered by the States was insufficient to rebut the presumption that an end-user, such as Sun, was injured by crude oil overcharges. The DOE also determined that the States had failed to adequately support their Motion for Discovery. Accordingly, Sun's Application for Refund was approved, and the States' Objections and Motion for Discovery were denied. The total refund amount approved in this Decision and Order is $5,739.

Trammell Crow Company—New Jersey, 1/24/90, RF272-29628

The DOE issued a Decision and Order granting an Application for Refund filed by Trammel Crow Company—New Jersey in the crude oil subpart V proceeding. Trammell, a real estate development company, claimed a refund based on 7,827,810 gallons of petroleum products it purchased between 1973 and 1981. The DOE determined, however, that 5,571,860 gallons of this total referred to the petroleum content of asphalt Trammel purchased in pre-mixed form. As bituminous asphalt is not product eligible for a refund, the DOE reduced Trammell's gallonage total to 2,255,950 and granted it a refund of $1,805 based on those gallons.

Vapo Butane Co. et al., 1/23/90, RF272-48055 et al.

The DOE issued a Decision and Order denying the applications of nine retailers in the crude oil Subpart V proceeding. Because the applicants failed to demonstrate that they were injured due to crude oil overcharges, they were found to be ineligible for crude oil refunds. Accordingly, the Applications for Refund were denied.

Refund Applications

The Office of Hearings and Appeals granted refunds to refund applicants in the following Decisions and Orders:

Name	Case No.	Date
Atlantic Richfield Co./ Mano's Arco Service *et al.*	RF304-2381	1/24/90
Atlantic Richfield Co./ McCall Oil & Chemical Corp. *et al.*	RF304-4414	1/24/90
Atlantic Richfield Co./ Worley & Obetz *et al.*	RF304-4510	1/26/90
Gulf Oil Corp./Broward Oil Co. *et al.*	RF300-9667	1/25/90
Gulf Oil Corp./F.S. Winterle & Son, Inc. *et al.*	RF300-9301	1/25/90
Gulf Oil Corp./Kincer Oil Co., Inc.	RF300-4400	1/23/90
Layton Oil Co., Inc	RF300-4562	
Clinton Oliver	RF300-4566	
Mutscher Inc	RF300-4567	

Name	Case No.	Date
Gulf Oil Corp./Panola County Schools *et al.*	RF300-6558	1/25/90
Gulf Oil Corp./ Roy's Champlin Station.	RF300-10139	1/23/90
Gulf Oil Corp., Space Petroleum & Chemical Co., Inc.	RF300-7453	1/25/90
Scheub Oil Service, Inc.	RF300-7508	
W.M.G., Inc	RF300-7512	
Gulf Oil Corp./ Tidewater Gulf.	RF300-10011	1/23/90
United States Sugar Corp.	RF300-10115	
Houston Shell & Concrete.	RF300-10133	
A.P. Woodson Co., Inc.	RF300-10385	
Harding & Thornton, Inc. *et al.*	RF272-22429	1/26/90
Martin's Feed, Inc. *et al.*	RF272-78201	1/25/90
Paul VI High School *et al.*	RF272-75801	1/22/90
Shell Oil Co./Bird-Douglas Shell Service *et al.*	RF315-2110	1/22/90
Shell Oil Co./Eton Shell Service *et al.*	RF315-7900	1/24/90
Shell Oil Co./ Expressway Shell *et al.*	RF315-7802	1/22/90
Shell Oil Co./Paul E. Elliott *et al.*	RF315-8101	1/23/90
Troy State University *et al.*	RF272-77608	1/22/90
Wabash Asphalt Co., Inc.	RF272-51071	1/22/90

Dismissals

The following submissions were dismissed:

Name	Case No.
A & M Gulf	RF300-10663
Alexander County Board of Education.	RF307-3310
B & J Food Store	RF307-2937
Ben Lujan	RF272-41905
Bill's Exxon	RF307-36
City of Earlington	RF272-40891
Conway Exxon	RF307-2926
Dodds Grocery and Station	RF307-2945
Goulandris Brothers Limited	RF272-17674
Halter Gas Co	RF304-6440 RF304-6441 RF304-6442 RF304-6443 RF304-6444
Landes Ozark Transfer Co	RF307-2946
Luke Exxon	RF307-2927
Mercury Motor Express	RF300-9293
Richfood, Inc	RF272-76859
Snappy Mart 2	RF307-2923
Snappy Mart 4	RF307-2929
Snappy Mart 3	RF307-2930
Snappy Mart 5	RF307-2931
Suwannee Valley Transit Authority	RF272-75811
United Couriers, Inc	RF272-77279
William R. Wright	RF304-8966
Y Grocery and Exxon	RF307-2932

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 100 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 pm., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: February 22, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 90-4844 Filed 3-1-90; 8:45 am]

BILLING CODE 6450-01-M

Proposed Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the proposed procedures for disbursement of $203,001.47 (plus accrued interest) which was remitted by Traco Petroleum Company and John A. Mills, Jr. The DOE has tentatively determined that the funds will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges.

DATES: AND ADDRESSES: Comments must be filed in duplicate within 30 days from date of publication of this notice in the **Federal Register** and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should conspicuously display a reference to the Case Number LEF-0008.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2860.

SUPPLEMENTARY INFORMATION: .

In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order sets forth the procedures which will be used to distribute funds remitted by Traco Petroleum Company (Traco) and John A. Mills, Jr. (Mills) to the DOE. The monies remitted by Traco and Mills were in settlement of possible violations of the DOE regulations pertaining to the resale of crude oil, 10 CFR part 212, subpart L.

The DOE has tentatively decided that the distribution of the monies received from Traco and Mills will be governed by the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986). That policy states that all crude oil overcharge funds shall be divided among the states, the Federal government, and injured purchasers of refined products. Under the plan we are proposing, refunds to the states would be distributed in proportion to each state's consumption of petroleum products during the period of price controls. Refunds to eligible purchasers would be based on the number of gallons of petroleum products which they purchased and the extent to which they can demonstrate injury.

Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized. Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register** and should be sent to the address set forth at the beginning of this notice. All comments received will be available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except Federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Date: February 26, 1990.

George B. Breznay,

Director Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

February 26, 1990.

James of Firms: Traco Petroleum Company; John A. Mills, Jr.

Date of Filing: January 26, 1990

Case Number: LEF-0008

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. 10 CFR 205.281. These procedures are used to refund monies to those injured by actual or alleged violations of the DOE price regulations.

The ERA has filed a Petition for the Implementation of Special Refund Procedures for funds which the DOE has obtained from Traco Petroleum

Company (Traco) and John A. Mills, Jr. (Mills). Pursuant to a Consent Order entered into with the DOE, Traco and Mills have remitted to the DOE a total of $203,001.47 ($108,944.47 from Traco and $94,057.00 from Mills), which was deposited in an interest-bearing escrow account maintained at the Department of the Treasury. An additional $4,982.28 in interest has accrued on these funds as of January 31, 1990. The Consent Order settled all matters concerning Traco's and Mills' compliance with Federal petroleum and price allocation regulations during the period October 1, 1979 through January 27, 1981. As a result of the Consent Order, an enforcement proceeding concerning Traco's compliance with the crude oil reseller price regulations was settled. *See Traco Petroleum Co.*, 14 DOE ¶ 83,024 (1986) (Final Remedial Order). This Proposed Decision and Order sets forth the OHA's plan to distribute the Traco and Mills Consent Order funds.

The procedural regulations of the DOE establish general guidelines by which the OHA may formulate and implement a plan for distribution of refunds received as a result of an enforcement proceeding. 10 CFR part 205, subpart V. The subpart V process may be used in situations where the DOE cannot readily identify the persons who may have been injured as a result of actual or alleged violations of the regulations or ascertain the amount of the refund each person should receive. After reviewing the record in the present case, we have concluded that a subpart V proceeding is an appropriate mechanism for distributing the funds remitted by Traco and Mills. Therefore, we propose to grant the ERA's petition and assume jurisdiction over distribution of the funds.

I. Background

On July 28, 1986, the DOE issued a Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986) ("the MSRP"). The MSRP, issued as a result of a court approved Settlement Agreement in *In re: The Department of Energy Stripper Well Exemption Litigation*, M.D.L. No. 378 (D. Kan.), provides that crude oil overcharge funds will be divided among the states, the federal government, and injured purchasers of refined petroleum products. Under the MSRP, up to 20 percent of these crude oil overcharge funds will be reserved initially to satisfy valid claims by injured purchasers of petroleum products. Eighty percent of these funds, and any monies remaining after all valid claims are paid, are to be disbursed equally to the states and federal government for indirect restitution.

The OHA has been applying the MSRP to all subpart V proceedings involving alleged crude oil violations. *See* Order Implementing the MSRP, 51 FR 29689 (August 20, 1986). That Order provided a period of 30 days for the filing of any objections to the application of the MSRP. It also solicited comments concerning the appropriate procedures to follow in processing refund applications in crude oil refund proceedings.

On April 6, 1987, the OHA issued a Notice analyzing the numerous comments which it received in response to the August 1986 Order. 52 FR 11737 (April 10, 1987) (the April 1987 Notice). The April 1987 Notice set forth generalized procedures and provided guidance to assist applicants who wish to file refund applications for crude oil monies under the subpart V regulations. All applicants for refunds would be required to document their purchase volumes of petroleum products during the period of crude oil price controls and to prove that they were injured by the alleged overcharges. The April 1987 Notice indicated that end-users of petroleum products whose businesses are unrelated to the petroleum industry will be presumed to have absorbed the crude oil overcharges and need not submit any further proof of injury to receive a refund. Finally, we stated that refunds would be calculated on the basis of a per gallon refund amount derived by dividing crude oil violation amounts by the total consumption of petroleum products in the United States during the period of price controls. The numerator would include the crude oil overcharge monies that were in the DOE's escrow account at the time of the settlement and a portion of the escrow funds in the M.D.L. 378 escrow at the time of the settlement.

These procedures have been applied by the DOE in numerous cases since the April 1987 Notice. *See, e.g., Shell Oil Co.*, 17 DOE ¶ 85,204 (1988) (*Shell Oil*); *Ernest A. Allerkamp*, 17 DOE ¶ 85,079 (1988) (*Allerkamp*). They have also been approved by the United States District Court for the District of Kansas. *In Re: The Department of Energy Stripper Well Exemption Litigation*, 671 F. Supp. 1318 (D. Kan. 1987), *aff'd*, 857 F.2d 1481 (Temp. Emer. Ct. App. 1988). Various States had filed a Motion with that court claiming that the OHA violated the Settlement Agreement by employing presumptions of injury for end-users and by improperly calculating the refund amount to be used in those proceedings. In denying the Motion, the court concluded that the Settlement agreement "does not bar [the] OHA from permitting claimants to employ reasonable presumptions in affirmatively demonstrating injury entitling them to a refund." *Id.*, 671 F. Supp. at 1323. The court also held that the OHA could calculate refunds based on a portion of the M.D.L. 378 overcharges. *Id.* at 1323–24.

II. The Proposed Refund Procedures

A. Refund Claims

We now propose to apply the procedures discussed in the April 1987 Notice to the crude oil subpart V proceeding that is the subject of the present determination. As noted above, $203,001.47 plus interest is covered by this Proposed Decision. We have decided to reserve initially the full 20 percent of these funds, or $40,600.29 (plus interest), for direct refunds to applicants in order to ensure that sufficient funds will be available for refunds to injured parties. The amount of the reserve may later be adjusted downward if circumstances warrant.

The process which the OHA will use to evaluate claims for crude oil refund monies will be modeled after the process the OHA has used in subpart V proceedings to evaluate claims based upon alleged overcharges involving refined products. *See Mountain Fuel Supply Co.*, 14 DOE ¶ 85,475 (1986) (*Mountain Fuel*). Applicants will be required to document their purchase volumes and to prove that they were injured as a result of the alleged violations. Applicants who were end-users of ultimate consumers of petroleum products, whose businesses are unrelated to the petroleum industry and who were not subject to the DOE price regulations, are presumed to have absorbed rather than passed on alleged crude oil overcharges. In order to receive a refund, end-users need not submit any further evidence of injury beyond volumes of product purchased in the distribution scheme in which the overcharges occurred. *A. Tarricone Inc.*, 15 DOE ¶ 85,495 at 88,893–96 (1987). Reseller and retailer applicants must submit detailed evidence of injury, and may not rely on the presumptions of injury utilized in refund cases involving refined petroleum products. *Id.* They may, however, use econometric evidence of the type employed in the OHA Report to the District Court in the Stripper Well Litigation, 6 Fed. Energy Guidelines ¶ 90,507 (June 19, 1985). *See* Petroleum Overcharge Distribution and Restitution Act section 3003(b)(2), 15 U.S.C. 4502(b)(2). Applicants who

executed and submitted a valid waiver pursuant to one of the escrows established by the Settlement Agreement have waived their rights to apply for crude oil refunds under subpart V. *See Mid-America Dairymen Inc. v. Herrington*, 878 F.2d 1448 (Temp. Emer. Ct. App. 1989); *accord, Boise Cascade Corp.*, 18 DOE ¶ 85,970 (1989).

Refunds to eligible applicants who purchased refined petroleum products will be calculated on the basis of a volumetric refund amount derived by dividing the crude oil refund amounts involved in this determination ($203,001.47) by the total consumption of petroleum products in the United States during the period of price controls (2,020,997,335,000 gallons). *Mountain Fuel*, 14 DOE at 88,868. This approach reflects the fact that crude oil overcharges were spread equally throughout the country by the Entitlements Program, 10 CFR 211.67.* This yields a volumetric refund amount of $0.000000100446 per gallon.

As we have stated in previous Decisions, a crude oil refund applicant will be required to submit only one application for crude oil overcharge funds. *See, e.g., Allerkamp*, 17 DOE at 88,176. Any party that has previously submitted a refund application in the crude oil refund proceedings need not file another application. That application will be deemed to be filed in all crude oil proceedings finalized to date. A deadline of June 30, 1988 was established for all refund applications for the first pool of crude oil funds. The first pool was funded by the crude oil refund proceedings, implemented pursuant to the MSRP, up to and including *Shell Oil Co.*, 17 DOE ¶ 85,204 (1988). A deadline of October 31, 1989 was established for applications for refunds from the second pool of crude oil funds. The second pool was funded by those crude oil refund proceedings beginning with *World Oil Co.*, 17 DOE ¶ 85,568, *corrected*, 17 DOE ¶ 85,669 (1988), and ending with *Texaco Inc.*, 19 DOE ¶ 85,200, *corrected*, 19 DOE ¶ 85,236 (1989). The deadline for filing an application for a refund from the third pool of funds, pursuant to this proceeding, is March 31, 1991, *Cibro Sales Corp.*, 20 DOE ¶ _____ No. KEF-0136 (January 22, 1990). The volumetric refund amount from the third pool of crude oil funds will be increased as additional crude oil violation amounts are received in the future. Applicants may be required to submit additional information to document their refund claims for these future amounts. Notice of any additional amounts available in the future will be published in the **Federal Register**.

B. Payments to the States and Federal Government

Under the terms of the MSRP, we propose that the remaining 80 percent of the alleged crude oil violation amounts subject to this Proposed Decision, or $162,401.18 (plus interest), be disbursed in equal shares to the states and federal government for indirect restitution. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the period of price controls. The share or ratio of the funds which each state will receive is contained in Exhibit H of the Settlement Agreement. These funds will be subject to the same limitations and reporting requirements as all other crude oil monies received by the states under the Settlement Agreement.

Before taking the actions we have proposed in this Decision, we intend to publicize our proposal and solicit comments on it. Comments regarding the tentative distrbution process set forth in this Proposed Decision and Order should be filed with the OHA within 30 days of its publication in the **Federal Register**.

It Is Therefore Ordered That:

The refund amounts remitted to the Department of Energy by Traco Petroleum Company and John A. Mills, Jr., pursuant to Consent Order 6C0X00279W shall be distributed in accordance with the foregoing Decision.

[FR Doc. 90-4845 Filed 3-1-90; 8:45 am]

BILLING CODE 6450-01-M

* The DOE established the Entitlements Program to equalize access to the benefits of crude oil price controls among all domestic refiners and their downstream customers. To accomplish this goal, refiners were required to make transfer payments among themselves through the purchase and sale of "entitlements." This balancing mechanism had the effect of evenly disbursing overcharges resulting from crude oil miscertifications throughout the domestic refining industry. *See Amber Refining Inc.*, 13 DOF ¶ 85,217 at 88,564 (1985).

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3729-8]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review. It also announces our request for emergency processing under 5 CFR 1320.18.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202-382-2740).

DATES: EPA requests that OMB act on the ICR by March 5, 1990.

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: Letters to Paint and Coating Formulators Concerning the Use of Mercury Biocides in Paint and Coating Products (EPA #1556.01).

Abstract: Through this collection, EPA requests data from paint and coating formulators on the use of mercury biocides in their products. In a simple one-page form, the Agency asks for the following information: Formulator and product identifiers; whether the product contains a mercury compound, and if it does, annual sales volume, percentage by weight in product, interior/exterior use, EPA registration number. The Agency will use this information to assess human exposure and risk from products containing mercury biocides and to evaluate possible economic impacts from regulating these products. EPA will also use the data to compile a comprehensive list of paint and coating products that contain mercury.

Burden Statement: The public reporting burden for this collection of information is estimated to average 3.2 hours per form. Each respondent who formulates mercury-containing products (approximately 200 firms) is estimated to require an average of 4.5 forms. The burden hour estimate includes time for reviewing instructions, searching existing data sources, gathering the information needed, and completing and reviewing the collection of information.

Respondents: Paint and Coating Formulators.

Estimated No. of Respondents: 1500.

Estimated Total Annual Burden on Respondents: 3140 hours.

Send comments regarding the burden estimate or any other aspect of this collection to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223), 401 M Street, SW., Washington, DC 20460.

and

Tim Hunt, Office of Management and Budget, Office of Information and

Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20530.

Dated: February 28, 1990.

Paul Lapsley,

Director, Information and Regulatory Systems Division.

[FR Doc. 90-4977 Filed 3-1-90; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3728-8]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5076.

Availability of Environmental Impact Statements Filed February 19, 1990 Through February 23, 1990 Pursuant to 40 CFR 1506.9.

EIS No. 900058, Draft, COE, CA, Los Angeles International Golf Club Development, Dredged or Fill Material Discharge, 404 Permit, Sunland-Tujunga Valley, CA, Due: April 16, 1990, Contact: Mike Noah (213) 894-6088.

EIS No. 900059, Final, BLM, WY, Adoption-Bridger-Teton National Forest Land and Resource Management Plan, Mineral Leasing, Fremont, Lincoln, Sublette, Sweetwater, Teton, and Uinta Counties, WY, Due: April 2, 1990, Contact: Allan Stein (307) 382-6011.

The U.S. Department of Interior, Bureau of Land Management has adopted the U.S. Department of Agriculture's, Forest Service's final EIS filed with the Environmental Protection Agency 11-7-89.

EIS No. 900060, Draft, FHW, MO, US 71 Improvement, I-144 to Arkansas State Line, Funding and Section 404 Permit, Jasper, Newton and McDonald Counties, MO, Due: April 20, 1990, Contract: James M. Mullen (314) 636-7104.

EIS No. 900061, DSuppl, FHW, KY, US 27 and US 68 Improvement, Lexington on Rogers Road to Parkway Drive in Paris, Possible 404 Permit and Bridge Permit, Funding, Fayette and Bourbon Counties, KY, Due: April 20, 1990, Contact: Paul E. Toussaint (502) 227-7321.

EIS No. 900062, FSuppl, AFS, NC, TN, VA, Cherokee National Forest Land and Resource Management Plan, Alternative 7 Modification, Implementation, Carter, Cooke, Greene, Johnson, McMinn, Monroe, Polik, Sullivan, Unicoi and Washington Counties, TN; Washington County, VA and Ashe County, NC, Due: April 2, 1990, Contract: Michael Murphy (615) 476-9700.

EIS No. 900063, Final, AFS, CO, Rock Creek Reservoir, Routt National Forest or Muddy Creek Reservoir, Kremmling Resource Area, Construction, Special Use and 404 Permits, Routt and Grand Counties, CO, Due: April 2, 1990, Contact: Larry Keown (303) 879-1722.

The Department of Agriculture/Forest Service and the Department of the Interior/Bureau of Land Management are Joint Lead Agencies for this project.

EIS No. 900064, Draft, AFS, MT, Lolo National Forest, Noxious Weed Management Plan, Implementation, Several, MT, Due: April 16, 1990, Contact: Terry Egenhoff (406) 329-3727.

EIS No. 900065, FSuppl, IBR, UT, Diamond Fork Power System Project, Original Plan Reduction, Bonnerville Unit, Central Utah Project, Approval and Funding, Utah and Wasatch Counties, UT, Due: April 2, 1990, Contact: Harold N. Sersland (801) 524-5580.

EIS No. 900066, Draft, AFS, CA, Bear Mountain Ski Resort Expansion, (formerly known as Goldmine) San Bernandino National Forest, Special Use Permit and Possible 404 Permit, San Bernandino County, CA, Due: April 16, 1990, Contact: Marion Borrell (714) 866-3437.

EIS No. 900067, Final, BLM, WY, Whiskey Mountain and Dubois Badlands WSA, Wilderness Recommendations, Designation or Nondesignation, Lander Resource Area, Rawlins District, Fremont County, WY, Due: April 2, 1990, Contact: Hal Hallett (202) 343-6064.

EIS No. 900068, Draft, UAF, ID, Mountain Home Air Force Base (AFB) Realignment and Expanded range Capability, Realignment from George AFB, Implementation, Elmore County, ID, Due: April 16, 1990, Contact: Alton Chavis (804) 764-4430.

EIS No. 900069, Draft, USA, MA, NJ, AZ, Fort Huachuca, Fort Devens and Fort Monmouth Base Realignment Transfer of Missions and Functions, Implementation, Cochise County, AZ, Worcester and Middlesex Counties, MA and Monmouth County, NJ, Due: April 16, 1990, Contact: Jonathan Freedman (213) 894-6097.

EIS No. 900070, Final, AFS, PA, Allegheny Reservoir Motel-Restaurant Complex, Site Selection and Construction, Allegheny National Forest, Warren County, PA, Due: April 2, 1990, Contact: David J. Wright (814) 723-5150.

Dated: February 27, 1990.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 90-4850 Filed 3-1-90; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3728-9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 12, 1990 through February 16, 1990 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 7, 1989 (54 FR 15006).

Draft EISs

ERP No. D-BLM-L61184-OR, Rating EC2, Three Rivers Resource Management Plan, Implementation, Malheur, Harney, Grant, Crook, and Lake Counties, OR.

Summary: EPA's rating for this project reflects our concern that the declining water quality trends in the Malheur Lake Basins be reversed, and that a distinct "no action" alternative be developed.

ERP No. DA-COE-H34009-IA, Rating LO, Red Rock Dam and Lake Red Rock Operation and Maintenance Project, Operation and Maintenance Changes, Des Moines River, Marion County, IA.

Summary: EPA has no objections to the proposed pool raise with the understanding that mitigation for the loss of the terrestrial wildlife habitat will be considered further once the extent of the easement acquisition program is better defined.

ERP No. D-FRC-C05144-NJ, Rating EU2, Mount Hope Pumped Storage Hydroelectric Project, Construction, Operation and Maintenance, License, section 404 Permit, Morris County, NJ.

Summary: EPA believes the project is environmentally unsatisfactory due to significant adverse impacts to wetlands, aquatic resource, surface, and ground water quality. Additionally, EPA believes that the alternatives analysis and the natural resources impact analyses are inadequate. EPA has recommended that FERC withdraw the EIS and that the NY District of the COE deny the associated section 404 permit.

ERP No. D-UAF-B11009-NH, Rating EC2, Pease Air Force Base (AFB) Closure, 509th Air Refueling Squardon, Deactivation of 13 KC-135A Tanker Aircraft and FB-111 Fighter/Bomber Aircraft, Implementation, NH.

Summary: EPA feels that the draft EIS does not fully describe alternative methods of closure and the direct, indirect, and cumulative impacts of closure.

Dated: February 27, 1990.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 90-4851 Filed 3-1-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL 3728-6]

Open Meeting of the National Advisory Council for Environmental Technology Transfer

Under Public Law 92463 (the Federal Advisory Committee Act), EPA gives notice of the meeting of the Committee of the National Advisory Council on Environmental Technology Transfer (NACETT) on March 26, 1990, from 9 a.m. to 4:30 p.m. in the Board Room of the American Institute of Architects, 1735 New York Avenue NW., Washington, DC. EPA also gives notice of the meetings on March 26-27, 1990, of the five standing Committees of NACETT in Washington, DC.

The agenda for the meeting of NACETT will include reports from NACETT's standing Committees and discussion by the NACETT members of these reports. The Committees are:

1. Enviromental Financing Advisory Board.
2. Technology Innovation and Economics Committee.
3. State and Local Programs Committee.
4. Education and Training Committee.
5. International Committee.

The dates of the meetings of NACETT's Committees are listed below. All meetings, except for the International Committee meeting, will be held in rooms to be determined at the Omni Shoreham Hotel at 2500 Calvert St., NW., Washington, DC. The International Committee will meet in the Winter Garden Room of the Embassy Row Hotel at 2015 Massachusetts Ave., NW., Washington, DC. All meetings are tentatively scheduled to begin at 9 a.m. and end at 5 p.m.

1. Enviromental Financing Advisory Board: March 27.
2. Technology Innovation and Economics Committee: March 27.
3. State and Local Programs Committee: March 27.
4. Education and Training Committee: March 27.
5. International Committee: March 26 and March 27.

Members of the public wishing to make comments are invited to submit them in writing to R. Thomas Parker, Designated Federal Official for NACETT, by March 21, 1990. Please send comments to R. Thomas Parker (A-101 F6), EPA, Room 115, 499 South Capitol Street, SW., Washington, DC 20460.

The meeting will be open to the public. Additional information may be obtained from R. Thomas Parker by writing the above address or calling Mr. Parker at (202) 475-9741.

Dated: February 20, 1990.

R. Thomas Parker,

Director, Office of Cooperative Environmental Management.

[FR Doc. 90-4815 Filed 3-1-90; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50696; FRL-3708-1]

Receipt of Notification of Intent to Conduct Small-Scale Field Testing; Genetically Altered Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of a notification of intent to conduct small-scale field testing of a transconjugate strain of *Bacillus thuringiensis* derived using traditional cell culture techniques from the Ciba-Geigy Corporation.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment(s) concerning this Notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and all written comments will be available for public inspection in Rm. 246 at the Virginia address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Phil Hutton, Product Manager (PM) 17, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2690).

SUPPLEMENTARY INFORMATION: A notification of intent to conduct small-scale field testing pursuant to the EPA's "Statement of Policy; Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act" of June 26, 1986 (51 FR 23313), has been received from the Ciba-Geigy Corporation of Greensboro, North Carolina. The purpose of the proposed testing is to evaluate the efficacy of the transconjugate *Bacillus thuringiensis* strain towards lepidopterous insect pests of vegetables and ornamentals. The field tests are to take place in California, Colorado, Florida, Illinois, Iowa, Maryland, Minnesota, Mississippi, New York, North Carolina, and Wisconsin for a combined acreage of 0.40 acre. Following the review of the Ciba-Geigy Corporation application and any comments received in response to this Notice, EPA will decide whether or not an experimental use permit is required.

Dated: February 19, 1990.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 90-4776; Filed 3-1-90; 8:45 am]

BILLING CODE 6560-50-D

[OPTS-59882; FRL 3714-2]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the Federal Register of May 13,1983 (48 FR 21722). In the Federal Register of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from

certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of 16 such PMN(s) and provides a summary of each.

DATES: Close of review periods:

Y 90-87, 90-88, 90-89, January 22, 1990.

Y 90-90, January 16, 1990.

Y 90-91, 90-92, January 22, 1990.

Y 90-93, January 25, 1990.

Y 90-98, 90-99, 90-100, February 6, 1990.

Y 90-101, February 7, 1990.

Y 90-102, 90-103, February 12, 1990.

Y 90-104, February 13, 1990.

Y 90-105, February 14, 1990.

Y 90-108, February 12, 1990.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-545, 401 M Street, SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 90-87

Manufacturer. H.B. Fuller Company.

Chemical. (G) Maleic anhyride styrene copolymer, half ester ammonium salt.

Use/Production. (G) Adhesive. Prod. range: Confidential.

Y 90-88

Manufacturer. H.B. Fuller Company.

Chemical. (G) Maleic anhydride styrene copolymer, half ester morpholine salt.

Use/Production. (G) Adhesive. Prod. range: Confidential.

Y 90-89

Manufacturer. H.B. Fuller Company.

Chemical. (G) Maleic anhydride styrene copolymer, half ester sodium salt.

Use/Production. (G) Adhesive. Prod. range: Confidential.

Y 90-90

Manufacturer. H.B. Fuller Company.

Chemical. (G) Maleic anhydride styrene copolymer, half ester potassium salt.

Use/Production. (G) Adhesive. Prod. range: Confidential.

Y 90-91

Manufacturer. H.B. Fuller Company.

Chemical. (G) Maleic anhydride styrene copolymer, half ester triethanolamine salt.

Use/Production. (G) Adhesive. Prod. range: Confidential.

Y 90-92

Manufacturer. H.B. Fuller Company.

Chemical. (G) Maleic anhydride styrene copolymer, half ester N,N-dimethylethanolamine salt.

Use/Production. (G) Adhesive. Prod. range: Confidential.

Y 90-93

Manufacturer. Confidential.

Chemical. (G) Polyester.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

Y 90-98

Manufacturer. Sybron Chemicals, Inc.

Chemical. (G) Polyalkyamine of chloromethylated, cross-linked polystyrene.

Use/Production. (S) Adhesive. Prod. range: Confidential.

Y 90-99

Manufacturer. Confidential.

Chemical. (G) Polyester resin.

Use/Production. (G) Adhesive intermediate. Prod. range: Confidential.

Y 90-100

Manufacturer. Confidential.

Chemical. (G) Long oil sunflower alkyd resin solution.

Use/Production. (S) Interior color retentive architectural enamels. Prod. range: Confidential.

Y 90-101

Manufacturer. Estron Chemical, Inc.

Chemical. (G) Polyester.

Use/Production. (S) Powder coating formulation. Prod. range: Confidential.

Y 90-102

Manufacturer. Sanncor Industries, Inc.

Chemical. (G) Polyurethane based on polyisocyanates polyols and polyamines.

Use/Production. (G) Coating. Prod. range: Confidential.

Y 90-103

Manufacturer. Confidential.

Chemical. (G) Copolymer of styrene and acrylic esters.

Use/Production. (G) Open nondispersive use. Prod. range: Confidential.

Y 90-104

Manufacturer. Confidential.

Chemical. (S) Polymer of rosin; maleic anhyride; pentacrythritol; nonyl phenol; p-tert-butylphenol; paraformaldehyde; bisphenol A.

Use/Production. (S) Resin for use in printing ink vehicles. Prod. range: 35,000-50,000 kg/yr.

Y 90-105

Manufacturer. Estron Chemical, Inc.

Chemical. (G) Polyether.

Use/Production. (S) Improves characteristics of resins. Prod. range: Confidential.

Y 90-108

Manufacturer. Sanncor Industries, Inc.

Chemical. (G) Polyurethane based on polyisocyanates, polyols and polyamines.

Use/Production. (S) General purpose molding resin. Prod. range: Confidential.

Dated: February 26, 1990.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 90-4826 Filed 3-1-90; 8:45 am]

BILLING CODE 6560-50-D

[OW-FRL-3728-7]

Water Quality Act of 1987; Availability of Final Guidance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of the document "Final Guidance on the Contents of a Governor's Nomination". The document describes how EPA is implementing sections 317 and 320 of the Water Quality Act of 1987. Nominations of estuaries to the National Estuary Program (NEP) must be consistent with this guidance.

DATES: This Guidance is effective immediately. Public comments on an earlier "interim final guidance" (see FR Vol. 53, No. 76, 12989) have been addressed in this final guidance.

ADDRESSES: Copies of the final guidance can be obtained by writing Steve Glomb; c/o Office of Marine and Estuarine Protection, WH-556F; U.S. Environmental Protection Agency; 401 M Street SW.' Washington, DC 20460; or by telephoning him at (202) 475-7102.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Marine and Estuarine Protection, at the above address and telephone number.

SUPPLEMENTARY INFORMATION:

Water Quality Act Requirements

In 1987, the Clean Water Act was amended by Congress under the Water Quality Act (WQA), establishing the National Estuary Program (NEP). Under section 320 of the WQA, the governor of any State can nominate an estuary located wholly or partly within the State and request that a management conference be convened to develop a comprehensive conservation and management plan (CCMP) for the estuary. Such nominations must document the national significance of the estuary, the need for the conference, and the likelihood of success, based on a showing of public interest and the ability of the State to meet cost-sharing requirements. In response to a governor's nomination or on his own initiative, the EPA Administrator must determine if the attainment or maintenance of a desired level of water quality requires additional pollution abatement and control programs to supplement existing controls. The Administrator is authorized under section 320(a)(2)(A) to select such estuaries and to convene management conferences to develop comprehensive plans for managing such estuaries of national significance. The conferees are charged with balancing the conflicting uses in the estuary while restoring or maintaining its natural character.

Section 320(a)(2)(B) requires the EPA Administrator to give priority consideration to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Puget Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albemarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; and Galveston Bay, Texas. Santa Monica Bay, California, was added to this list in the Fiscal Year 1988 Appropriations Act.

A section of the Ocean Dumping Ban Act of 1988 added Massachusetts Bays, Massachusetts; the Barataria/Terrebonne Bay Estuary Complex, Louisiana; the Indian River Lagoon, Florida; and Peconic Bay, New York to the list.

The seven purposes of a management conference are stated in Section 320(b) of the WQA and summarized below.

1. Assess trends in water quality, natural resources, and uses of the estuary.
2. Identify the causes of environmental problems.
3. Evaluate the relationship between the pollutant loads and environmental effects.
4. Develop a comprehensive conservation and management plan (CCMP).
5. Develop plans with States and other agencies to coordinate the implementation of the CCMP.
6. Monitor the effectiveness of actions taken pursuant to the plan.
7. Review all federal financial assistance programs and development projects for consistency with the CCMP.

The WQA requires a management conference to include a broad variety of interested parties. These parties include EPA, other federal agencies, State, interstate, and local governments, affected industries, public and private educational institutions, and the general public. Through a collaborative process, the mangement conference establishes program goals and objectives, determining desirable and allowable uses for the estuary and its various segments. Specific pollution control and resource management strategies, designed to meet each objective, are the core of the CCMP that will be developed. Strong public support and subsequent political commitments will be needed to carry out the actions agreed to in the CCMP.

Priority Considerations

The Administrator has already convened NEP Management Conference for the twelve estuaries listed for priority consideration by Congress in the EWQA and the Fiscal Year 1988 Appropriations Act. The six estuary programs existing before the WQA were convened after a review of management program activities.The other six current Management Conferences were convened after submitting Governors' Nominations consistent with the EPA Interim Final Guidance (FR Vol. 53, No. 76, 12989). Nominations of those remaining estuaries given priority consideration and any other estuary nominations will be evaluated for consistency with Final Guidance made available today.

Contents of the Nomination

This notice announces the availability of final guidance that will assist States interested in nominating estuaries to the NEP. Following statutory requirements, the final guidance addresses national significance, generally describing the need for a national demonstration program to provide technical assistance and outreach to other coastal areas. As such, the program seeks to include a spectrum of geographic locations (to address biogeographic variety and to develop expertise nationwide), a wide range of environmental problems, and examples of restoration and maintenance of water quality that have national applicability. The final guidance also addresses demonstrating the need for a management conference and the likelihood of success of the potential estuary program.

To make these required demonstrations, a nomination must answer the following key questions:

- National Significance
  - —How can the lessons learned from this estuary be applied to other coastal areas within the State or to other States?
  - —What problems, causes of these problems, and biogeographic area represented by this estuary are not already addressed by existing programs in the NEP?
  - —Why is the estuary important to the nation?
  - —What is the geographic scope of the estuary?
- The Need for a Conference
  - —What is the importance of the estuary on a local or regional scale?
  - —What are the major environmental problems facing the estuary?
  - —What are the most likely causes of these problems?
  - —How are the causes of each problem to be identified?
  - —What are the current institutional arrangements for environmental management of the estuary and how are they working?
- Likelihood of Success
  - —What are State and local governments, and public and private institutions already doing for the estuary?
  - —What goals and objectives are proposed for the estuary and how will they be met?
  - —Who will participate in the management conference and how will it be organized?
  - —Is there public and political will as well as financial capability, to support implementation of a Comprehensive Conservation and Management Plan?

Nominations will be evaluated by EPA based on how fully they address these concerns. In addition, other programmatic and policy issues will be evaluated. For example, where a State is developing a State Clean Water Strategy (SCWS), the nomination should describe how the proposed estuary program will be integrated into its SCWS. A checklist is provided with the guidance to serve

as an organizing framework for developing the nomination.

Paperwork Reduction Act

The Agency has submitted an Information Collection Request (ICR) document describing the information requirements in the final guidance to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. This ICR (OMB No. 2040–0138) documents EPA's need for information and the cost to State respondents and the public in following the guidance and in meeting the requirements of Section 320 of the Water Quality Act of 1987.

Dated: February 16, 1990.

Robert H. Wayland, III,

Acting, Assistant Administrator for Water.

[FR Doc. 90–4814 Filed 3–1–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–856–DR]

Alabama; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Alabama (FEMA–856–DR), dated February 17, 1990, and related determinations.

DATE: February 23, 1990.

FOR FURTHER INFORMATION CONTACT: Sandra E. Dixon, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–4066.

Notice: The notice of a major disaster for the State of Alabama, dated February 17, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 17, 1990:

The counties of Calhoun, Hale and Walker for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90–4820 Filed 3–1–90; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–856–DR]

Alabama; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Alabama (FEMA–856–DR), dated February 17, 1990, and related determinations.

DATE: February 22, 1990.

FOR FURTHER INFORMATION CONTACT: Sandra E. Dixon, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–4066.

Notice: The notice of a major disaster for the State of Alabama, dated February 17, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 17, 1990.

The counties of Chilton, Clay, Cleburne, Coosa, Dallas, Etoway, Jefferson, Marengo, Morgan, Randolph, St. Clair and Sumter for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90–4819 Filed 3–1–90; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–857–DR]

Georgia; Notice of Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Georgia (FEMA–857–DR), dated February 23, 1990, and related determinations.

DATE: February 23, 1990.

FOR FURTHER INFORMATION CONTACT: Sandra E. Dixon, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–4066.

Notice: Notice is hereby given that, in a letter dated February 23, 1990, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288, as amended by Pub. L. 100–707), as follows:

I have determined that the damage in certain areas of the State of Georgia, resulting from severe storms, tornadoes and flooding on February 10, 1990, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288, as amended by Public Law 100–707. I therefore, declare that such a major disaster exists in the State of Georgia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated area. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under PL 93–288, as amended by PL 93–100–707, for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of Section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint J. Rolando Sarabia of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Georgia to have been affected adversely by this declared major disaster:

Carroll, Chattooga, Douglas, Fannin, Gilmer, Murray and Walker counties for Individual Assistance.

Chattooga, Cobb, Fannin, Gilmer, Gordon, Murray and Walker counties for Public Assistance.

Grant C. Peterson,

Acting Director, Federal Emergency Management Agency.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

[FR Doc. 90–4821 Filed 3–1–90; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL HOUSING FINANCE BOARD

[No. 90–30]

Information Collection Request; Monthly Survey of Rates and Terms on Conventional One-Family Non-Farm Mortgage Loans

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Housing Finance Board ("FHFB") has submitted a request for an extension of an information collection entitled "Monthly Survey of Rates and Terms on Conventional One-Family Non-Farm Mortgage Loans," to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The information collected enables the FHFB to measure changes in the private (non-governmental) sector of the mortgage market and monitor the implications of such changes on diverse sectors of the economy including the housing, construction, and financial sectors. The information collected by this survey has additional important roles. Some mortgage lenders rely on the data in the survey in order to calculate interest rates on adjustable rate mortgages. It is also used to determine the ceiling on the purchase price of mortgages that the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation may purchase on the secondary mortgage market. Some states utilize the survey to limit the size of homes that can be purchased through financing provided by mortgage revenue bonds. The survey uses size stratified sampling techniques. There are approximately 1,200 respondents per month. All respondents are savings institutions, commercial banks, or mortgage companies. Each response is estimated to take one hour to complete.

DATES: Comments on the information collection request are welcome and should be received on or before March 19, 1990.

ADDRESSES: Comments regarding the paperwork-burden aspects of the requests should be directed to:

Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for the Federal Housing Finance Board

The FHFB would appreciate commenters sending copies of their comments to the FHFB.

Request for copies of the proposed information collection requests and supporting documentation are obtainable at the FHFB address given below:

Executive Secretary to the Board, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006

FOR FURTHER INFORMATION CONTACT: Joseph A. McKenzie, Office of Policy Evaluation, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, telephone (202) 906–6763.

Dated: February 26, 1990.

By the Federal Housing Finance Board.

Mary K. Bush,

Managing Director.

[FR Doc. 90–4770 Filed 3–1–90; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203–011273.

Title: Space Charter/Discussion Agreement Between Sea-Land Service, Inc. and United Arab Shipping Company (SAG).

Parties:

Sea-Land Service, Inc.

United Arab Shipping Company (SAG).

Synopsis: The proposed Agreement would permit Sea-Land to charter space on United Arab Shipping Company's vessels and would permit the parties to discuss and agree upon tariff rates and regulations in the trade between U.S. Atlantic ports and points and ports and points in the Middle East.

By Order of the Federal Maritime Commission.

Dated: February 26, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–4822 Filed 3–1–90; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. P1–90]

Maritime Administration, Department of Transportation; Rules Affecting Foreign Commerce of the United States; Filing of Petition

Notice is hereby given that the Military Sealift Command ("MSC") has petitioned the Commission to request the Maritime Administration ("MARAD") to suspend a "rule or regulation" described below and to submit it to the Commission for action pursuant to section 19(1)(c), (2) of the Merchant Marine Act, 1920 (46 U.S.C. app. 876). The "rule or regulation" is said to be reflected as a condition of approval granted by MARAD on March 23, 1988, to a number of "time charters" and "time charters of space" on U.S. flag vessels, among Sea-Land Service, Inc., Nedlloyd Lijnen B.V. and P&O Containers (TFL) Limited d/b/a Trans Freight Lines, and similarly at a later date to space chartered by Compania Trasatlantica Espanola, S.A. MSC alleges that this "rule or regulation" prevents the U.S. Government from shipping preference cargo on U.S. flag vessels operated by U.S. citizen crews simply because those ships or space on those ships are chartered by foreign citizens.

In order for the Commission to make a thorough evaluation of the petition, interested persons are requested to submit views or arguments on the petition no later than April 27, 1990. Such comments shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573–0001 in an original and 15 copies. Comments shall also be served on Donald J. Brunner, Esq., Military Sealift Command, Building 210, Washington Navy Yard, Washington, DC 20398–5100. Replies to comments may be submitted by MSC no later than May 17, 1990.

Copies of the petition are available for examination at the Washington, DC office of the Commission, 1100 L Street NW., Room 11101.

Joseph C. Polking,

Secretary.

[FR Doc. 90–4724 Filed 3–1–90; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

CNB Bancshares, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely

related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 23, 1990.

A. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *CNB Bancshares, Inc.*, Evansville, Indiana; to engage *de novo* through its subsidiary Citizens Information Systems, Inc., Evansville, Indiana, in providing to others data processing services pursuant to §225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-4779 Filed 3-1-90; 8:45 am]

BILLING CODE 6210-01-M

Charles Hugo Deters, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 16, 1990.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Charles Hugo Deters and Mary Sue Krippenstapel Deters*, Walton, Kentucky; to retain an additional 8.52 percent (totalling 14.82 percent) of the voting shares of Independent BancShares, Inc., Ocala, Florida, and thereby indirectly acquire Independent Bank of Ocala (member bank), Ocala, Florida.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Charles A. Brethen, Jr.*, Taylor, Michigan; to acquire an additional 2.78 percent (totalling 16.84 percent) of the voting shares of Charter National Bancorp, Inc., Taylor, Michigan, and thereby indirectly acquire Charter National Bank, Taylor, Michigan.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Joe N. Basore*, Bella Vista, Arkansas; to acquire 46.15 percent of the voting shares of Cedaredge Financial Services, Inc., Cedaredge, Colorado, and thereby indirectly acquire First National Bank of Cedaredge, Cedaredge, Colorado.

2. *Burton O. George*, Berryville, Arkansas; to acquire 46.15 percent of the voting shares of Cedaredge Financial Services, Inc., Cedaredge, Colorado, and thereby indirectly acquire First National Bank of Cedaredge, Cederedge, Colorado.

D. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Grapeland Bancshares*, Inc., Grapeland, Texas; to acquire 14.01 percent of the voting shares of Grapeland Bancshares, Inc., Grapeland, Texas, and thereby indirectly acquire First State Bank, Grapeland, Texas.

Board of Governors of the Federal Reserve System, February 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-4780 Filed 3-1-90; 8:45 am]

BILLING CODE 6210-01-M

First Hanover Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 23, 1990.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Hanover BanCorp, Inc.*, Wilmington, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of First Hanover Bank, Wilmington, North Carolina.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303;

1. *Enterprise Financial Corporation*, Orlando, Florida; to become a bank holding company by acquiring 80 percent of the voting shares of Enterprise National Bank of Tampa, Tampa, Florida, and 80 percent of the voting shares of The Enterprise Bank, N.A., Winter Park, Florida.

C. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230

South LaSalle Street, Chicago, Illinois 60690:

1. *Empire Capital Corporation,* LeRoy, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of LeRoy State Bank, LeRoy, Illinois.

2. *First Colonial Bankshares Corporation,* Chicago, Illinois; to acquire 95.37 percent of the voting shares of Fox Lake State Bank, Fox Lake, Illinois.

3. *Readlyn Bancshares, Inc.,* St. Paul, Minnesota; to acquire an additional 12.0 percent of the voting shares of Tripoli Bancshares, Inc., St. Paul, Minnesota; and thereby indirectly acquire American Savings Bank, Tripoli, Iowa.

D. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Pioneer Bancshares, Inc.,* Trumann, Arkansas; to become a bank holding company by acquiring 94.14 percent of the voting shares of First National Bank of Poinsett County, Trumann, Arkansas. In connection with this application, American Pioneer Life Insurance Company has applied to acquire Pioneer Bancshares, Inc. American Pioneer Life Insurance Company currently owns First National Bank of Poinsett County and engages in general insurance activities pursuant to section 4(c)(ii) of the Bank Holding Company Act. Comments on this application must be received by March 16, 1990.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First National of Nebraska, Inc.,* Omaha, Nebraska; to acquire 100 percent of the voting shares of Circle Management Company, Kearney, Nebraska, parent of Platte Valley State Bank and Trust Company, Kearney, Nebraska.

2. *Putnam County Bancshares, Inc.,* Unionville, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Putnam County State Bank, Unionville, Missouri.

Board of Governors of the Federal Reserve System, February 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-4781 Filed 3-1-90; 8:45 am]

BILLING CODE 6210-01-M

Fleet/Norstar Financial Group, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than March 29, 1990.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Fleet/Norstar Financial Group, Inc.,* Providence, Rhode Island; to acquire Heartland Securities, Inc., Chicago, Illinois, and thereby engage in retail securities brokerage services solely as agent for the account of customers pursuant to § 225.25(b)(15) of the Board's Regulation Y.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *SouthTrust Corporation,* Birmingham, Alabama; to acquire Liberty Savings Bank of South Georgia, FSB (Liberty South), Valdosta, Georgia, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y. SouthTrust will continue to operate Liberty South as a federal savings bank and rename it SouthTrust Bank, FSB.

C. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *FBOP Corporation,* Oak Park, Illinois; to acquire Regency Savings Bank, F.S.B., Naperville, Illinois, and its nonbank subsidiaries, and thereby engage in owning and operating a savings association pursuant to § 225.25(b)(9); and through Regency Financial Services, Inc., Naperville, Illinois, to act as agent for insurance that is directly related to an extension of credit by the bank holding company or any of its subsidiaries pursuant to § 225.25(b)(8)(i) as well as to provide brokerage and incidental activities pursuant to § 225.25(b)(15).

2. *RD Bancshares, Inc.,* Edgerton, Wisconsin; to acquire Jerry Smith & Associates, Inc., Madison, Wisconsin, and thereby engage in providing management consulting to financial institutions pursuant to § 225.25(b)(11) of the Board's Regulation Y.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Bancorp Hawaii, Inc.,* Honolulu, Hawaii; to acquire FirstFed America, Inc., Honolulu, Hawaii, and thereby engage through its subsidiaries, First Federal Savings and Loan Association of America, Honolulu, Hawaii, First Savings Association of America, Dededo, Guam, and FirstFed American Bank, F.S.B., Logan, Utah, in operating a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y. Such activities will be conducted in the Territory of Guam and the Commonwealth of the Northern Mariana Islands as well as in the United States.

Board of Governors of the Federal Reserve System, February 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-4782 Filed 3-1-90; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

[Dkt. C-3265]

Arkla, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting

unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Shreveport, La. corporation to divest the TransArk assets and also requires that the divestiture be made to a Commission approved acquirer or acquirers. In addition, respondent is also required to obtain prior Commission approval and to apply to the Federal Energy Regulatory Commission for approval under that agency's abandonment procedures.

DATES: Complaint and Order issued October 10, 1989.[1]

FOR FURTHER INFORMATION CONTACT: Marc Schildkraut, FTC/S–3302, Washington, DC 20580. (202) 326–2622.

SUPPLEMENTARY INFORMATION: On Thursday, June 8, 1989, there was published in the **Federal Register**, 54 FR 24566, a proposed consent agreement with analysis In the Matter of Arkla, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions of objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 90–4749 Filed 3–1–90; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3266]

MTH Holdings, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, MTH, an investment banking firm, to divest grocery stores in Vermont and New York to eliminate antitrust concerns that would be created by its acquisition of GU Acquisition Corporation, a holding company that owns and operates the Grand Union Company grocery store chain. In addition, for ten years, MTH must seek prior FTC approval before acquiring any grocery stores in any of the New York or Vermont counties in which the divestitures must be made.

DATES: Complaint and Order issued October 6, 1989.[1]

FOR FURTHER INFORMATION CONTACT: David Conn, FTC/S–3302, Washington, DC 20580. (202) 326–2631.

SUPPLEMENTARY INFORMATION: On Tuesday, July 25, 1989, there was published in the **Federal Register**, 54 FR 30944, a proposed consent agreement with analysis In the Matter of MTH Holdings, Inc., et al. for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 90–4750 Filed 3–1–90; 8:45 am]

BILLING CODE 6750–01–M

[Docket No. 9214]

Lee M. Mabee, Jr., M.D.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Sioux Falls, S.D. physician from conspiring to refuse to deal with the Medical School's residency program or physicians affiliated with the school, or to interfere with the operation of the Medical School's OB/GYN department or faculty, or from preventing or restricting competition in the provision of OB/GYN care in the Sioux Falls, S.D., area.

DATES: Complaint issued July 12, 1988. Order issued November 15, 1989.[1]

FOR FURTHER INFORMATION CONTACT: Michael Antalics, FTC/S–2308, Washington, DC 20580. (202) 326–2682.

SUPPLEMENTARY INFORMATION: On Tuesday, August 22, 1989, there was published in the **Federal Register**, 54 FR 34819, a proposed consent agreement with analysis In the Matter of Lee M. Mabee, Jr., M.D., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 90–4823 Filed 3–1–90; 8:45 am]

BILLING CODE 6750–01–M

[Docket No. C–3267]

Robert L. Wilks, d/b/a Barber Funeral Home; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Springfield, Tenn. funeral home director from doing business as a funeral service provider, or from having any business relationship with any entity selling or offering to sell funeral goods or services to the public.

DATES: Complaint and Order issued October 13, 1989.[1]

FOR FURTHER INFORMATION CONTACT: Mamie Kresses, FTC/H–238, Washington, DC 20580. (202) 326–2070.

SUPPLEMENTARY INFORMATION: On Monday, July 17, 1989, there was

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

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published in the Federal Register, 54 FR 29946, a proposed consent agreement with analysis In the Matter of Robert Lewis Wilks, d/b/a Barber Funeral Home for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

Donald S. Clark,

Secretary.

[FR Doc. 90-4824 Filed 3-1-90; 8:45 am]

BILLING CODE 6750-01-M

[Docket 9228]

Promodes, S.A., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, Red Food Stores, Inc., a subsidiary of Promodes S.A., a French grocery company, to divest six supermarkets in the Chattanooga, Tenn. area; the divestiture must be made to a Commission-approved acquirer or acquirers within nine months after the order becomes final.

DATES: Comments must be received on or before May 1, 1990.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Ronald B. Rowe, FTC/S-3302, Washington, DC 20580, (202) 326-2610.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's rules of practice (16 CFR 4.9(b)(6)(ii)).

In the Matter of Promodes, S.A., an alien corporation, and Red Food Stores, Inc., a corporation.

Agreement Containing Consent Order

The Agreement herein, by and between the corporations Promodes, S.A. and Red Food Stores Inc., by their duly authorized officers and their attorneys and counsel for the Federal Trade Commission (the "Commission") is entered into in accordance with the Commission's Rules governing consent order procedures. In accordance therewith, the parties hereby agree that:

1. Respondent Promodes, S.A., is a corporation organized and existing under the laws of France. Its principal executive offices have the following mailing address: B.P. 17, 14127 Modeville Cedex, France.

2. Respondent Red Food Stores Inc., is a Delaware corporation with its prinicipal place of business at 5901 Shallowford Road, Chattanooga, Tennessee 37422.

3. Respondents admit all the jurisdictional facts set forth in the attached complaint.

4. Respondents waive:

a. Any further procedural steps;
b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;
c. All rights to seek judicial review or otherwise challenge or contest the validity of the order entered pursuant to this agreement; and
d. All rights under the Equal Access to Justice Act.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify Respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision in accordance with the terms of this agreement in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by Respondents that the law has been violated as alleged in the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's rules, the Commission may, without further notice to Respondents, (1) issue its decision containing the following order in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to divest and to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to respondents' addresses as stated in this agreement shall constitute service. Respondents waive any right they may have to any other manner of service. the complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Respondents have read the complaint and order contemplated hereby. Respondents understand that once the order has been issued, they will be required to file one or more compliance reports showing that they each have fully complied with the order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

As used in this Order, the following definitions shall apply:

a. "Commission" means the Federal Trade Commission.

b. "Promodes" means Promodes, S.A., its parents, redecessors, subsidiaries, divisions, groups and affiliates controlled by Promodes and their respective directors, officers, employees, agents, and representatives, and their respective successors and assigns.

c. "Red Food" means Red Food Stores, Inc., its parents, predecessors, subsidiaries, divisions, groups and affiliates controlled by Red Food and their respective directors, officers, employees, agents, and representatives, and their respective successors and assigns.

d. "Kroger" means The Kroger Company, its parents, predecessors, subsidiaries, divisions, groups and affiliates controlled by Kroger and their respective directors, officers, employees, agents, and representatives, and their respective successors and assigns.

e. "Respondents" means Promodes and Red Food.

f. "Chattanooga, Tennessee MSA" means the metropolitan statistical area comprised of the following countries: Hamilton, Marion, and Sequatchie in Tennessee, and Catoosa, Walker and Dade in Georgia.

g. "Acquisition" means Respondents' acquisition of the seven grocery stores owned by Kroger located in the Chattanooga, Tennessee MSA.

h. "Supermarket" means any retail food store of 10,000 or more square feet and which sells primarily a variety of canned or frozen foods; dry groceries; non-edible grocery items; fresh meat, poultry and produce (vegetables and fruits) and which often sells delicatessen items, bakery items, fresh fish or other specialty items.

i. "Assets to be divested" means the assets described in paragraph II(A), also known as "II(A) Properties."

II

It is ordered, That:

(A) Within nine (9) months after this Order becomes final, Respondents shall divest, absolutely and in good faith,

(1) The Red Food supermarket, currently operating under the trade name "Festival," which was formerly a Kroger store, located at 6901 Lee Highway, Chattanooga, Tennessee;

(2) The Red Food supermarket, currently operating under the trade name "Festival," which was formerly a Kroger store, located at 114 Battlefield Parkway, Fort Oglethorpe, Georgia;

(3) The Red Food supermarket, currently operating under the trade name "Festival," which was formerly a Kroger store, located at 4803 Highway 58, Chattanooga, Tennessee;

(4) The Red Food supermarket, which was formerly a Kroger Store, located at 5080 South Terrace, East Ridge, Tennessee;

(5) The Red Food supermarket located at 401 West Martin Luther King Boulevard, Chattanooga, Tennessee; and

(6) The Red Food supermarket located at 2278 Elm Avenue, South Pittsburg, Tennessee.

The assets to be divested shall include the grocery business operated, all assets, leases, properties, business and goodwill, tangible and intangible, utilized in the distribution or sale of groceries at the listed locations.

(B) Divestiture of the II(A) Properties shall be made only to an acquirer or acquirers that receive the prior approval of the Commission and only in a manner that receives the prior approval of the Commission. The purpose of the divestiture of the II(A) Properties is to ensure the continuation of the assets as ongoing, viable supermarkets engaged in the same businesses in which the Properties are presently employed and to remedy the lessening of competiton resulting from the Acquisition as alleged in the Commission's complaint.

(C) Respondents shall take such action as is necessary to maintain the viability and marketability of the II(A) Properties and shall not cause or permit the destruction, removal or impairment of any assets or businesses to be divested except in the ordinary course of business and except for ordinary wear and tear.

III

It is further ordered, That:

(A) If Respondents have not divested, absolutely and in good faith and with the Commission's approval, the II(A) Properties within nine (9) months after this Order becomes final, Respondents shall consent to the appointment by the Commission of a trustee to divest the II(A) Properties. In the event that the Commission brings an action pursuant to section 5(*l*) of the Federal Trade Commission Act, 15 U.S.C. 45(*l*), or any other statute enforced by the Commission, Respondents shall consent to the appointment of a trustee in such action. The appointment of a trustee shall not preclude the Commission from seeking civil penalties or any other relief available to it for any failure by Respondents to comply with this Order.

(B) If a trustee is appointed by the Commission or court pursuant to part III(A) of this Order, Respondents shall consent to the folowing terms and conditions regarding the trustee's duties and responsibilities:

1. The Commission shall select the trustee, subject to the consent of Respondents, which consent shall not be unreasonably withheld. The trustee shall be a person with experience and expertise in acquisitions and divestitures.

2. The trustee shall have the power and authority to divest the II(A) properties that have not been divested by Respondents within the time period for divestiture in part II. The trustee shall have twelve (12) months from the date of appointment to accomplish the divestiture of the II(A) properties, which shall be subject to the prior approval of the Commission and, if the trustee is appointed by a court, subject also to the prior approval of the court. If, however, at the end of the twelve-month period the trustee has submitted a plan of divestiture for the Commission's approval or believes that divestiture can be achieved within a reasonable time, the divestiture period may be extended by the Commission or by the court for a court-appointed trustee: *Provided, however,* That the Commission or court may only extend the divestiture period two (2) times.

3. The trustee shall have full and complete access to the personnel, books, records, and facilities related to those assets that the trustee has the duty to divest. Respondents shall develop such financial or other information as the trustee may reasonably request and shall cooperate with the trustee. Respondents shall take no action to interfere with or impede the trustee's accomplishment of the divestiture.

4. The trustee shall use his or her best efforts to negotiate the most favorable price and terms available in each contract that is submitted to the Commission, subject to Respondents' absolute and unconditional obligation to divest at no minimum price and the purposes of the divestiture as stated in part II.

5. The trustee shall serve without bond or other security at the cost and expense of Respondents on such reasonable and customary terms and conditions as the Commission or a court may set. The trustee shall have authority to retain at the cost and expense of Respondents such consultants, accountants, attorneys, business brokers, appraisers and other representatives and assistants as are reasonably necessary to assist in the divestiture. The trustee shall account for all monies derived from the divestiture and all expenses incurred. After approval by the Commission or the court of the account of the trustee, including fees for his or her services, all remaining monies shall be paid to Respondents and the trustee's power shall be terminated. The trustee's compensation shall be based at least in significant part on a commission arrangement contingent on the trustee divesting the II(A) properties. Nothing herein shall be construed to limit the trustee's compensation to an amount not in excess of monies derived from the sale.

6. Within fifteen (15) days after appointment of the trustee and subject to the prior approval of the Commission and, if the trustee was appointed by a court, subject also to the prior approval of the court, Respondents shall execute a trust agreement that transfers to the trustee all rights and powers necessary

to permit the trustee to effect the divestiture of the II(A) properties.

7. If the trustee ceases to act or fails to act diligently, a substitute trustee shall be appointed in the same manner as in Paragraph III of this Order.

8. The trustee shall report in writing to Respondents and the Commission every sixty (60) days from the date the trust agreement is executed concerning the trustee's efforts to accomplish divestiture.

IV

It is further ordered, That, within sixty (60) days after the date this Order becomes final and every sixty (60) days thereafter until Respondents have fully complied with the provisions of Paragraph II of this Order, Red Food shall submit to the Commission a verified written report setting forth in detail the manner and form in which they intend to comply, are complying, or have complied with those provisions. Red Food shall include in its compliance report, among other things that are required from time to time, a full description of substantive contacts or negotiations for the divestiture of assets or businesses specified in Paragraph II of this Order, including the identity of all parties contacted. Red Food shall include in its compliance report, copies of all written communications to and from such parties, all internal memoranda, reports, and recommendations concerning divestiture.

V

It is further ordered, That, for a period commencing on the date this Order becomes final and continuing for ten (10) years, Respondents shall cease and desist from acquiring without the prior approval of the Federal Trade Commission, directly or indirectly, through subsidiaries or otherwise, any supermarket or leasehold interest in any supermarket located in the Chattanooga, Tennessee MSA, including any facility that has operated as a supermarket within six (6) months of the date of the offer of purchase, or any interest in or the stock or share capital of any entity that owns any interest in or operates any supermarkets located in the Chattanooga, Tennessee MSA, or any interest in or the stock or share capital of any entity that owned any interest in or operated any supermarket located in the Chattanooga, Tennessee MSA within six (6) months of the date of the offer of purchase. Provided, however, that these prohibitions shall not relate to the construction of new facilities or the leasing of facilities that have not operated as supermarkets within six months of the date of the offer to lease. One (1) year from the date this Order becomes final and annually for nine (9) years thereafter Respondents shall file with the Federal Trade Commission a verified written report of their compliance with this Paragraph.

VI

It is further ordered, That Respondents shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation, dissolution or sale of subsidiaries or any other change that may affect compliance obligations arising out of the Order.

Analysis to Aid Public Comment on Consent Order Accepted Subject to Final Approval

The Federal Trade Commission ("Commission") has accepted for public comment from Promodes, S.A., and Red Food Stores, Inc. (collectively "Red Food"), an agreement containing consent order. The Commission is placing the agreement on the public record for sixty (60) days for receipt of comments from interested persons.

Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission issued a complaint in this matter stating that it has reason to believe that Red Food's acquisition of seven Kroger supermarkets located in the Chattanooga, Tennessee MSA (including Hamilton, Sequatchie, and Marion counties in Tennessee, and Catoosa, Walker, and Dade counties in Georgia) would substantially lessen competition in the retail sale of food and grocery items in supermarkets in the Chattanooga MSA in violation of section 7 of the Clayton Act and section 5 of the Federal Trade Commission Act. The Agreement containing Consent Order ("Order") would, if issued by the Commission, settle these charges alleged in the Commission's complaint.

Under the terms of the proposed Order, Red Food must divest the following six supermarkets:

(1) The Red Food supermarket, currently operating under the trade name "Festival," which was formerly a Kroger store, located at 6901 Lee Highway, Chattanooga, Tennessee;

(2) The Red Food supermarket, currently operating under the trade name "Festival," which was formerly a Kroger store, located at 114 Battlefield Parkway, Fort Oglethorpe, Georgia;

(3) The Red Food supermarket, currently operating under the trade name "Festival," which was formerly a Kroger store, located at 4803 Highway 58, Chattanooga, Tennessee;

(4) The Red Food supermarket, which was formerly a Kroger Store, located at 5080 South Terrace, East Ridge, Tennessee;

(5) The Red Food supermarket located at 401 West Martin Luther King Boulevard, Chattanooga, Tennessee; and

(6) The Red Food supermarket located at 2278 Elm Avenue, South Pittsburg, Tennessee.

The proposed Order gives Red Food nine months to divest these assets. The divestiture shall be made only to an acquirer or acquirers that receive the prior approval of the Commission. If Red Food fails to satisfy the divestiture provisions set out in the Order, the Commission may appoint a trustee to divest the assets.

For a period of ten (10) years from its effective date, the proposed Order prohibits Red Food from acquiring, without the prior approval of the Commission, a supermarket (or a leasehold interest in a supermarket, or stock in an entity that owns or operates a supermarket) located in the Chattanooga MSA. Supermarket is defined as a retail food store of 10,000 or more square feet.

It is anticipated that the Order would resolve the competitive problems alleged in the Complaint. The purpose of this analysis is to invite public comment conerning the Order, in order to aid the Commission in its determination of whether it should make final the Order contained in the agreement.

This analysis is not intended to constitute an official interpretation of the agreement and Order, nor is it intended to modify the terms of the agreement and Order in any way.

Donald S. Clark,

Secretary.

[FR Doc. 90-4751 Filed 3-1-90; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

[Announcement Number 007]

Project Grants for Preventive Health Services; Sexually Transmitted Diseases and Acquired Immunodeficiency Syndrome Prevention/Training Centers

Introduction

The Centers for Disease Control (CDC) announces that grant applications are to be accepted for Sexually Transmitted Diseases (STD) Prevention/Training (P/T) Centers. The objective of these awards is to support professional training programs in STD clinical patient management and human immunodeficiency virus (HIV) prevention education within a national network of STD P/T centers.

Authority

This program is authorized under the Public Health Service Act: Section 318, (42 U.S.C. 247c), section 301 (42 U.S.C. 241), section 311 (42 U.S.C. 243), and section 317 (42 U.S.C. 247b), as amended. Regulations governing Grants for STD Research, Demonstrations, and Public and Professional Education are codified in Part 51b, Subparts A and F of Title 42, Code of Federal Regulations.

Eligibility

Eligible applicants are the official public health agencies of State and local governments, the District of Columbia, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, and the Republic of Palau. Before making a grant to a local public health agency, the CDC will consult with the State health agency.

Consideration will be given to funding one or more P/T Centers in the training areas defined below where the site of the facility is: (1) In a high-incidence area of reported AIDS and STD cases or is close enough to one or more high-incidence areas that prospective trainees from such areas are unlikely to view the travel distance as a barrier to obtaining training; and (2) located beyond 150 miles of an existing STD P/T Center to avoid the competition for trainees that is likely to occur within a common training area.

1. Caribbean Area, which includes the Commonwealth of Puerto Rico and the Virgin Islands;

2. Central Area, which includes Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin;

3. Mid-Atlantic Area, which includes Delaware, the District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia;

4. North Central Area, which includes Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming;

5. Northeastern/New England Area, which includes Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont;

6. Northwestern Area, which includes Alaska, Idaho, Oregon, and Washington;

7. Southeastern Area, which includes Alabama, Florida, Georgia, Kentucky, Mississippi, South Carolina, and Tennessee;

8. South Central Area, which includes Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas; and

9. Western Area, which includes American Samoa, Arizona, California, the Federated States of Micronesia, Guam, Hawaii, Nevada, the Northern Mariana Islands, the Republic of the Marshall Islands, the Republic of Palau, and Utah.

Availability of Funds

Approximately $3.5 million in STD and HIV Prevention funds are available in Fiscal Year 1990 to fund approximately eleven awards. Awards will range from $100,000 to $388,000 with an average award of $300,000. Awards are expected to be made on or about April 1, 1990, for a 12-month budget period within a 5-year project period. Funding estimates outlined above may vary and are subject to change.

Background

The program is designed to help meet the long-term priority national program objectives listed in the 1989 draft document, "Promoting Health/Preventing Disease: Year 2000 Objectives for the Nation" which states that by the year 2000, at least 90 percent of private physicians encountering STD in their practices should correctly manage cases, as reflected by their provision of appropriate types and amounts of therapy. This will be accomplished primarily by training health care professionals (both public and private), physicians-in-training, key program staff of STD Control and HIV Prevention Programs, and selected others. This training shall involve concepts and procedures related to the diagnosis, management, prevention, patient counseling, and standards of care for STD and prevention of HIV infection. The achievement of the Year 2000 Objective to improve clinical capability and all other Year 2000 Objectives to reduce cases and complications of STD and HIV infection are mutually dependent and are national in scope.

Program Requirements

A grantee must provide the following:

1. Needs Assessment

A. Evidence of contact with the State STD and HIV Prevention program managers within the training areas to obtain informatoin on disease trends, seroprevalence, training provided, and perceived training needs that fall within the scope of this announcement.

B. Identification and a list of services provided by other organizations and agencies that are providing STD and HIV prevention training, including State substance abuse, Regional Family Planning Training Centers, American Red Cross, AIDS Regional Education and Training Centers, and the Laboratory Training Network.

C. A description of gaps in training directed to caregivers which include clinicians of women's health, adolescent health, community health, minority health, infection control practitioners, adolescent school-based clinics, and outpatient clinics; and to individuals in community-based organizations and others performing HIV prevention services.

2. Training Capability

A. Evidence of compliance with the CDC "STD Prevention/Training Center Curriculum Guidelines and Performance Standards for STD Clinical Training, 1988."

B. The commitment of at least one university school of medicine in the vicinity, including a liaison between the medical school and health department.

C. Plans to conduct training at non-P/T center sites within the training area when needs assessments show a training need.

D. An organizational summary and chart illustrating the roles of persons involved with the P/T Center, relationships, position descriptions, and resumes.

E. A schedule of training activities that will continue without interruption if the award is made to an established P/T Center or that the training will begin within 180 days of the date of the grant award if a new P/T Center is established.

3. Clinical Capability

A. Plans to locate the P/T Center in a health department STD clinic that

serves numbers of patients of sufficient demographic variety and morbidity to support and stimulate the learning process.

B. A description of and commitment to practical "hands on" experience as an integral part of training in the clinical and laboratory aspects of STD.

C. Evidence of compliance with the CDC "Quality Assurance Guidelines for STD Clinics," particularly with respect to a non-physician model of care and a system of quality assurance that features an objective, auditable medical record.

D. A commitment that STD research will not conflict with clinical training and the ability of students to follow patients through the examination process.

4. Collaboration

A. A description of the efforts to coordinate the P/T Center with the objectives of the State STD and HIV Prevention programs in the defined training area and effective coordination with the basic operations of the local STD program.

B. A plan for coordination with CDC so that the P/T Center contributes to the reputation of a national training network.

C. A plan for coordination with the organizations and agencies listed under Needs Assessment, part 1.B.

5. Evaluation

A. Plans for the collection of data for the purpose of evaluating and monitoring training efforts which include knowledge, skills, and abilities of participants and a description of intended use.

B. Plans for collecting information for the purpose of evaluating instructional methods and course design.

Review and Evaluation Criteria

1. Competing Applicatons

Competing applications will be reviewed and evaluated based on the extent to which the evidence submitted specifically describes the applicant's ability to meet the following criteria:

A. The need for program support as evidenced by a comprehensive needs assessment that identifies specific areas for targeting training within the training area.

B. The extent to which the applicant has satisfactorily documented progress in meeting prior-year project objectives and reporting requirements.

C. The extent to which the applicant intends to collaborate with other organizations involved in STD/HIV prevention and education programs, 1.B.

D. The extent to which the proposed objectives are specific, measurable, time-phased, and related to the Year 2000 Objectives.

E. The extent to which the applicants method of operation is coordinated with the State and local STD control and HIV prevention programs.

F. The potential success of the methods of operation in meeting the proposed objectives.

G. The extent to which the applicant has observed the "Quality Assurance Guidelines for STD Clinics" in its clinical capacity.

H. The extent to which the applicant uses the "STD Prevention/Training Center Curriculum Guidelines and Performance Standards for Clinical Training, 1988" in designing its STD and HIV training component.

I. The extent to which each Program Requirement is addressed by the applicant and will result in a balanced program of training.

J. The quality of the applicant's evaluation plan to measure the accomplishment of objectives.

K. The proportion of the total project cost provided by non-Federal sources.

In addition, consideration will be given to the appropriateness and reasonableness of the budget request, proposed use of project funds, and the need for support.

2. Noncompeting Continuation Applications

In future years, noncompeting continuation applications within an approved project period will be evaluated on satisfactory progress in meeting project objectives as determined by site visits by CDC representatives, progress reports, the quality of future program plans, an increasing non-Federal share of total project cost, and the availability of funds.

Funding Priorities

Priority will be given to applicants applying for competing continuation funding. Current recipients have already conducted needs assessments, established training and clinical capabilities, and have existing staff familiar with the program who have established collaboration with State STD and HIV Prevention programs to coordinate P/T Center objectives with the State program.

Other Requirements

Applicants must comply with the document title "Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions in CDC Assistance Programs," October 1988. (54 FR 10049, March 9, 1989)

E.O. 12372 Review

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 13.978, Sexually Transmitted Diseases, Research, Demonstrations, and Public Information and Education Grants.

Application Submission

The original and two copies of the application (PHS 5161–1) must be submitted to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grant Office, CDC, 255 East Paces Ferry Road NE., room 300, Atlanta, GA 30305 on or before March 16, 1990.

1. Deadline: Applications shall be considered as meeting the deadline if they are either:

A. Received on or before the deadline date, or

B. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. Late Applications: Applications not received by this deadline are considered late applications and will not be considered in the current funding cycle and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures and an application package may be obtained from Clara Jenkins, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, CDC, 255 East Paces Ferry Road NE., room 300, Atlanta, Georgia 30305, (404) 842–6640 or FTS 236–6640.

Please refer to Announcement Number 007, "Project Grants for Preventive Health Services Sexually Transmitted Diseases and Acquired Immunodeficiency Syndrome Professional Education," when requesting information.

Technical assistance may be obtained from Kim Geissman, Training and Education Branch, Division of Sexually Transmitted Disease, Center for

Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, (404) 639–1233 or FTS 236–1233.

Dated: February 26, 1990.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 90–4798 Filed 3–1–90; 8:45 am]

BILLING CODE 4160–18–M

Family Support Administration

Forms Submitted to the Office of Management and Budget for Clearance

The Family Support Administration (FSA) will publish on Fridays information collection packages submitted to the Office of Management and Budget (OMB) for clearance, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). Following is the package submitted to OMB since the last publication on February 9, 1990.

(For a copy of the package, call the FSA, Report Clearance Officer 202–252–5602)

Information collected from the requirements contained in the Program Announcement OCS–90–1 will be the sole source of information available to OCS in reviewing applications leading to awards to discretionary grants to eligible applications. *Respondents:* private non-profit corporations, public agencies, and political subdivisions; *Number of Respondents:* 200; *Frequency of Response:* one-time; *Average Burden per Response:* 1166 hours; *Estimated Annual Burden:* 2,333 hours.

OBM Desk Officer: Justin Kopca.

Written comments and recommendations for the proposed information collection should be sent directly to the OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3201, 1725 17th Street, NW., Washington, DC 20503.

Dated: February 21, 1990.

Sylvia E. Vela,

Deputy Associate Administrator For Management and Information Systems.

[FR Doc. 90–4418 Filed 3–1–90; 8:45 am]

BILLING CODE 4150–04–M

Forms Submitted to the Office of Management and Budget for Clearance

The Family Support Administration (FSA) will publish on Fridays information collection packages submitted to the Office of Management and Budget (OMB) for clearance, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). Following is the package submitted to OMB since the last publication on February 9, 1990.

(For a copy of the package, call the FSA, Report Clearance Officer 202–252–5602)

Information collected from the requirements contained in the program announcement OCS 90–5 will be for the sole source of information available to OCS in reviewing applications leading to awards of the Emergency Services and Shelter AFDC Transitional Housing Demonstration grants to eligible applicants. Respondents: states; Number of Respondents: 20; Frequency of Response: one-time; Average Burden per Response: 40 hours; Estimated Annual Burden: 800 hours.

OMB Desk Officer: Justin Kopca.

Written comments and recommendations for the proposed information collection should be sent directly to the OMB Desk Officer designated above at the following address: OMB Reports management Branch, New Executive Office Building, Room 3201, 1725 17th Street NW., Washington, DC 20503.

Dated: February 22, 1990 .

Sylvia E. Vela,

Deputy Associate Administrator For Management and Information Systems.

[FR Doc. 90–4517 Filed 3–1–90; 8:45 am]

BILLING CODE 4150–04–M

Health Resources and Services Administration

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committee has been filed with the Library of Congress:

Departments of Family Medicine Review Committee

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, room 1026, Thomas Jefferson Building, Second Street and Independence Avenue SE., Washington, DC., or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Law Library, HHS North Building, room G–619, 330 Independence Avenue, SW., Washington, DC., telephone (202) 245–6791. Copies may be obtained from: Ms. Sherry Whipple, Executive Secretary, Departments of Family Medicine Review Committee, room 4C–25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6874.

Dated: February 26, 1990.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 90–4783 Filed 3–1–90; 8:45 am]

BILLING CODE 4160–15–M

Social Security Administration

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 96–511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the **Federal Register** on February 16, 1990.

Social Security Administration

(Call Reports Clearance Officer on (301) 965–4149 for copies of package)

1. Public Assistance Agency Information—0960–0095—The information collected on the form SSA–1600 is used by the Social Security Administration to search for an retrieve data appropriate to a request received from a state or local agency. The respondents are state or local government agencies.

Number of Respondents: 390,000
Frequency of Response: 1
Average Burden Per Response: 2 minutes
Estimated Annual Burden: 13,000 hours

2. Claimant's Medications—0960–0289—The information collected on the form HA–4632 is used by the Social Security Administration to compile a current list of medications used by a claimant. The list is provided to an Administrative Law Judge (ALJ) who is considering the disability aspects of the claim. Respondents are claimants for disability benefits who have requested a hearing by an ALJ.

Number of Respondents: 133,000
Frequency of Response: 1
Average Burden Per Response: 5 minutes
Estimated Annual Burden: 11,083 hours

3. Partnership Questionnaire—0960–0025—The information collected on the

form SSA–7104 is used by the Social Security Administration to evaluate partnership relationships to determine which portion of the partnership income should be credited to each partner. The affected public consists of persons applying for Social Security benefits.

Number of Respondents: 12,350
Frequency of Response: 1
Average Burden Per Response: 30 minutes
Estimated Annual Burden: 6,175 hours

4. Claims for Amounts Due in the Case of a Deceased Beneficiary—0960–0101—The information collected on the form SSA–1724 is used by the Social Security Administration to determine which person meets specified qualifications for receipt of an amount due on the account of a deceased beneficiary of Social Security benefits. Respondents are persons claiming entitlement to an amount due a deceased Social Security benefit recipient.

Number of Respondents: 300,000
Frequency of Response: 1
Average Burden Per Response: 10 minutes
Estimated Annual Burden: 50,000 hours

5. Application for Mother's or Father's Insurance Benefits—0960–0003—The information collected on the form SSA–5 is used by the Social Security Administration to determine if an applicant qualifies for entitlement to Social Security benefits as a mother or father of a deceased wage earner. The respondents are individuals who apply for such benefits.

Number of Respondents: 180,000
Frequency of Response: 1
Average Burden Per Response: 15 minutes
Estimated Annual Burden: 45,000 hours

6. Report of Student Beneficiary at End of School Year and End of School Year Report of Student Benefits Outside the United States—0960–0089—The information collected by the SSA–1388 series of forms is used to verify full time attendance at an educational institution by the student supplying the information. The information the student supplies is verified with the appropriate educational institution and a determination is made to terminate or continue the student's benefit payments. The affected public consists of the students who provide this information.

Number of Respondents: 200,000
Frequency of Response: 1
Average Burden Per Response: 10 minutes
Estimated Annual Burden: 33,333 hours

7. Statement of Claimant of Other Person—0960–0045—The information collected on the form SSA–795 is used by the Social Security Administration (SSA) to document special circumstances in connection with a claim for benefits. The affected public consists of claimants or other persons who need to provide information to SSA that is not asked for on other forms.

Number of Respondents: 305,500
Frequency of Response: 1
Average Burden Per Response: 15 minutes
Estimated Annual Burden: 76,375 hours

OMB Desk Officer: Allison Herron.

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

Dated: February 26, 1990.

Ron Compston,

Social Security Administration, Reports Clearance Officer.

[FR Doc. 90–4852 Filed 3–1–90; 8:45 am]
BILLING CODE 4190–11–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–90–1917; FR–2606–N–61]

Underutilized and Unutilized Federal Buildings and Real Property Determined To Be Suitable for Use for Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.
ACTION: Notice.

SUMMARY This Notice identifies unutilized and underutilized Federal property determined by HUD to be suitable for possible use for facilities to assist the homeless.

EFFECTIVE DATE: March 2, 1990.
ADDRESSES: For further information, contact James Forsberg, Room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 755–6300; TDD number for the hearing- and speech-impaired (202) 755–5965. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD is publishing this Notice to identify Federal buildings and real property that HUD has determined are suitable for use for facilities to assist the homeless. The properties were identified from information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

The Order requires HUD to take certain steps to implement section 501 of the Stewart B. McKinney Homeless assistance Act (42 U.S.C. 11411), which sets out a process by which unutilized or underutilized Federal properties may be made available to the homeless. Under section 501(a), HUD is to collect information from Federal landholding agencies about such properties and then to determine, under criteria developed in consultation with the Department of Health and Human Services (HHS) and the Administrator of General Services (GSA), which of those properties are suitable for facilities to assist the homeless. The Order requires HUD to publish, on a weekly basis, a Notice in the **Federal Register** identifying the properties determined as suitable.

The properties identified in this Notice may ultimately be available for use by the homeless, but they are first subject to review by the landholding agencies pursuant to the court's Memorandum of December 14, 1988 and section 501(b) of the McKinney Act. Section 501(b) requires HUD to notify each Federal agency about any property of such agency that has been identified as suitable. Within 30 days from receipt of such notice from HUD, the agency must transmit to HUD: (1) Its intention to declare the property excess to the agency's need or to make the property available on an interim basis for use as facilities to assist the homeless; or (2) a statement of the reasons that the property cannot be declared excess or made available on an interim basis for use as facilities to assist the homeless.

First, if the landholding agency decides that the property cannot be declared excess or made available to the homeless for use on an interim basis the property will no longer be available.

Second, if the landholding agency declares the property excess to the agency's need, that property may, if subsequently accepted as excess by GSA, be made available for use by the

homeless in accordance with applicable law and the December 12, 1988 Order and December 14, 1988 Memorandum, subject to screening for other Federal use.

Homeless assistance providers interested in any property identified as suitable in this Notice should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, Room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit such written expressions of interest within 30 days from the date of this Notice. For complete details concerning the timing and processing of applications, the reader is encouraged to refer to HUD's Federal Register Notice on June 23, 1989 (54 FR 26421), as corrected on July 3, 1989 (54 FR 27975).

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: HQ–DA, Attn: DAEN–ZCI–P–Robert Conte; Room 1E671 Pentagon, Washington, DC 20360–2600, (202) 693–4583; U.S. Navy: John Carr, Code 2041C, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332; (202) 325–0474; U.S. Air Force: H. L. Lovejoy, Bolling AFB, HQ–USAF/LEER, Washington, DC 20332–5000; (202) 767–4191, GSA: James Folliard, Federal Property Resources Services, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 535–7067.

Dated: February 23, 1990.

Paul Roitman Bardack,

Deputy Assistant Secretary for Program Policy Development and Evaluation.

Suitable Land (by State)

California

Camp Kohler Annex
McClellan AFB
Sacramento, CA, Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010045
Status: Excess
Comment: 35.30 acres + .11 acres easement; 30+ acres undeveloped; potential utilities; secured area; alternate access.

Naval Ocean Systems Center
271 Catalina Blvd.
San Diego, CA, Co: San Diego
Landholding Agency: Navy
Property Number: 779010094
Status: Excess
Comment: 16 acres, possible antenna radiation, secured facility with alternative access.

Kansas

Parcel 1
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth
Landholding Agency: Army
Property Number: 219012333
Status: Underutilized
Comment: 14.4+ acres.

Parcel 3
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth
Landholding Agency: Army
Property Number: 219012336
Status: Underutilized
Comment: 261+ acres; heavily forested; no access to a public right-of-way; selected periods are reserved for military/training exercise.

Parcel 4
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth
Landholding Agency: Army
Property Number: 219012339
Status: Underutilized
Comment: 24.1+ acres; selected periods are reserved for military/training exercises; steep/wooded area.

Parcel 6
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth
Location: Extreme north east corner of installation in Flood Plain of the Missouri River.
Landholding Agency: Army
Property Number: 219012340
Status: Underutilized
Comment: 1280 acres; selected periods are reserved for military/training exercises.

Parcel F
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth
Landholding Agency: Army
Property Number: 219012552
Status: Unutilized
Comment: 33.4 acres; area is land locked; heavily wooded; periodic flooding.

Maine

Naval Air Station
Transmitter Site
Old Bath Road
Brunswick, ME, Co: Cumberland
Landholding Agency: Navy
Property Number: 779010111
Status: Underutilized
Comment: 66.13 acres, most recent use—transmitter station.

Michigan

Facility 93359
Bayshore RBS
Det 6, 1st Combat Evaluation Group
Bay Shore, MI, Co: Emmet
Landholding Agency: Air Force
Property Number: 189010058
Status: Excess
Comment: 2.52 acres; utilities & sanitary facilities.

Facility 93361
Bayshore RBS
Det 6, 1st Combat Evaluation Group
Bay Shore, MI, Co: Emmet
Landholding Agency: Air Force
Property Number: 189010061
Status: Excess
Comment: 0.14 acres, access gained through Air Force controlled property.

Tract A–100E
Port Austin AFS
Port Austin Township, MI, Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010109
Status: Excess
Comment: .5 acres; used as entrance road for Port Austin AFS; easement and right of way rights need to be negotiated.

Tract A–100
Port Austin AFS
Port Austin Township, MI, Co: Huron
Location: Two miles south of Lake Huron on the northern tip on the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010111
Status: Excess
Comment: 30.80 acres; existing easements for utilities, etc.

Tract A–101
Port Austin AFS
Port Austin Township, MI, Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010112
Status: Excess
Comment: 10.0 acres; existing easements for utilities, etc.

Tract A–101E
Port Austin AFS
Port Austin Township, MI, Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010114
Status: Excess
Comment: 1.0 acres; 1320 ft long and 33.5 wide; easement and right of way rights need to be negotiated.

Tract A–102E
Port Austin AFS
Port Austin Township, MI, Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010116
Status: Excess
Comment: 1.21 acres; 50 ft wide and 1050 ft in length; portion used as drainage easement.

Tract A–108–1E
Port Austin AFS
Port Austin Township, MI, Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010117
Status: Excess
Comment: 4.0 acres; portion used as drainage easement.

Tract A–108–2E

Port Austin AFS
Port Austin Township, MI, Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010119
Status: Excess
Comment: 4.55 acres; portion used as drainage ditch.

Tract A–103
Port Austin AFS
Port Austin Township, MI, Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010121
Status: Excess
Comment: 5.30 acres

Tennessee

Holston Army Ammunition Plant
Kingsport, TN, Co: Hawkins
Landholding Agency: Army
Property Number: 219012338
Status: Unutilized
Comment: 8 acres; unimproved, could provide access; 2 acres unusable; near explosives.

Suitable Buildings (by State)

Alabama

Bldg. S3002T
Fort Rucker
Administrative General Purpose
Fort Rucker, AL, Co: Dale
Landholding Agency: Army
Property Number: 219012541
Status: Unutilized
Comment: 720 sq. ft.; metal mobile home; possible structural deficiencies; scheduled for disposal.

Bldg. S4005T
Fort Rucker
General Inst. Bldg.
Fort Rucker, AL, Co: Dale
Landholding Agency: Army
Property Number: 219012549
Status: Unutilized
Comment: 800 sq. ft.; metal mobile home; possible structural deficiencies.

California

Bldg. T–118
Presidio of Monterey
CLP Ewing Road near museum
Monterey, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219012402
Status: Unutilized
Comment: 3757 sq ft., wood frame, possible asbestos, needs major rehab, fire damage.

Bldg. S–255
Presidio of Monterey
Kit Carson Road And Patton Avenue
Monterey, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219012407
Status: Unutilized
Comment: 543 sq ft., one story, metal frame, needs rehab, potential utilities.

Bldg. T–256
Presidio of Monterey
Kit Carson Road & Patton Avenue
Monterey, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219012409
Status: Unutilized
Comment: 311 sq ft., one story wood frame, potential utilities, possible asbestos, needs rehab.

Bldg. T–120
Presidio of Monterey
CPL Ewing Road near Museum
Monterey, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219012412
Status: Unutilized
Comment: 4398 sq ft., one story wood frame, needs rehab, potential utilities.

Bldg. S–186
Fort Hunter Liggett
Off Infantry Rd./Dayton Dr. & Sulpher Spring
Jolon, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219012416
Status: Unutilized
Comment: 1824 sq ft., one story metal frame, potential utilities, most recent use—photo lab.

Bldg. 4000
McClellan AFB
Sacramento, CA, Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010047
Status: Excess
Comment: 3200 sq ft.; 1 story concrete block; possible asbestos, most recent use—office.

Bldg. 4004
McClellan AFB
Sacramento, CA, Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010048
Status: Excess
Comment: 5922 sq ft.; 1 story concrete; possible asbestos; most recent use—office.

Hawes Site (KHGM)
March AFB
Hinckley, CA, Co: San Bernardino
Landholding Agency: Air Force
Property Number: 189010084
Status: Unutilized
Comment: 9290 sq ft., 2 story concrete, most recent use—radio relay station, possible asbestos, land belongs to Bureau of Land Management, potential utilities.

Georgia

Bldg. 39722
Fort Gordon
Off 8th street
Fort Gordon, GA, Co: Richmond
Landholding Agency: Army
Property Number: 219012353
Status: Underutilized
Comment: 1197 sq ft.; 1 story wood; possible asbestos; extensive rot and termite damage; Building for off-site use only.

Bldg. 20601
Fort Gordon
Barnes Avenue at 20th street
Fort Gordon, GA, Co: Richmond
Landholding Agency: Army
Property Number: 219012354
Status: Underutilized
Comment: 3195 sq ft.; 1 story wood; needs extensive repairs; possible asbestos; building for off-site use only.

Bldg. 5266
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012364
Status: Unutilized
Comment: 1400 sq ft.; one story; most recent use—day room; in poor condition; needs major rehab.

Bldg. 5267
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012365
Status: Unutilized
Comment: 2124 sq ft.; 2 story; most recent use—barracks; poor condition; needs major repair.

Bldg. 5268
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012367
Status: Unutilized
Comment: 2124 sq ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5269
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012368
Status: Unutilized
Comment: 2124 sq ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5270
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012369
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5271
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012370
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—administrative; poor condition; needs major rehab.

Bldg. 5272
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012372
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5273
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012373
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5274
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012374
Status: Unutilized

Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5275
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012375
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5276
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012376
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5277
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012378
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5278
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012379
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5279
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012381
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5280
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012382
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5281
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012383
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5282
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012385
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5283
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012386
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4936
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012388
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4937
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012389
Status: Unutilized
Comment: 2183 sq. ft.; 1 story; most recent use—dining room; poor condition; needs major rehab.

Bldg. 4938
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012391
Status: Unutilized
Comment: 1320 sq. ft.; one story; most recent use—administrative; poor condition; needs major rehab.

Bldg. 4939
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012392
Status: Unutilized
Comment: 1800 sq. ft.; one story; most recent use—classrooms; poor condition; needs major rehab.

Bldg. 4951
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012394
Status: Unutilized
Comment: 2192 sq. ft.; one story; most recent use—storehouse; poor condition; needs major rehab.

Bldg. 4953
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012395
Status: Unutilized
Comment: 794 sq. ft.; 1 story; most recent use—storehouse; poor condition; needs major rehab.

Bldg. 4954
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012397
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—custody fac.; poor condition; needs major rehab.

Bldg. 4926
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012398
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—classrooms; poor condition; needs major rehab.

Bldg. 4925
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012400
Status: Unutilized
Comment: 1507 sq. ft.; one story; most recent use—classroom; poor condition; needs major rehab.

Bldg. 4924
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012401
Status: Unutilized
Comment: 2183 sq. ft.; one story; most recent use—dining room; poor condition; needs major rehab.

Bldg. 4919
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012403
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4918
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012404
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4917
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012405
Status: Unutilized
Comment: 810 sq. ft.; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 4929
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012406
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4930
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012408
Status: Unutilized
Comment: 810 sq. ft.; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 4931
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army

Property Number: 219012410
Status: Unutilized
Comment: 1888 sq. ft.; two story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5287
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012411
Status: Unutilized
Comment: 1216 sq. ft.; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 4912
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012417
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; needs major rehab.

Bldg. 4933
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012418
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; needs major rehab.

Bldg. 4934
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012419
Status: Unutilized
Comment: 1507 sq. ft.; one story; most recent use—dayroom; needs major rehab.

Bldg. 4932
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012421
Status: Unutilized
Comment: 794 sq. ft.; 1 story; most recent use—storehouse; needs rehab.

Bldg. 4935
Fort Benning
Fort Benning, GA, Co: Muscogee
Landholding Agency: Army
Property Number: 219012422
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; needs major rehab.

Kentucky

Bldg. 2945
Fort Campbell
Fort Campbell, KY, Co: Christian
Landholding Agency: Army
Property Number: 219012543
Status: Underutilized
Comment: 4248 sq. ft.; 2 story; selected periods are reserved for military/training exercises; possible asbestos

Massachusetts

Bldg. T–1675
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012341
Status: Underutilized
Comment: 4070 sq. ft., 2 story, most recent use-barracks.

Bldg. T–1666
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012342
Status: Underutilized
Comment: 4070 sq. ft., 2 story most recent use administrative building, wood.

Bldg. T–2732
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012343
Status: Unutilized
Comment: 6351 sq. ft., wood, two stories, most recent use-housing.

Bldg. T–2281
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012344
Status: Unutilized
Comment: 6351 sq. ft., wood structure, 2 floors, most recent use-housing.

Bldg. T–206
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012345
Status: Underutilized
Comment: 1000 sq. ft., 1 story, wood, most recent use-day room.

Bldg. T–3528
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012346
Status: Underutilized
Comment: 4070 sq. ft., 2 story, wood, most recent use-barracks.

Bldg. T–3526
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012347
Status: Underutilized
Comment: 4070 sq. ft., 2 story, wood, most recent use-residential.

Bldg. T–1627
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012348
Status: Unutilized
Comment: 4070 sq. ft., 2 story, wood, most recent use-barracks.

Bldg. T1676
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012351
Status: Underutilized
Comment: 4070 sq ft., 2 story, wood, most recent use-barracks.

Bldg. T–208
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012350
Status: Underutilized
Comment: 4070 sq ft., wood, two story, most recent use-barracks.

Bldg. T–207
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012362
Status: Underutilized
Comment: 2100 sq ft., one story wood frame, no sanitary facilities needs rehab, selected periods used for military/training exercises most recent use-company-admin/supply.

Bldg. T–206
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012361
Status: Underutilized
Comment: 1000 sq ft., one storywood, most recent use-day room, needs rehab, no sanitary facilities, selected periods used for military/training exercises.

Bldg. T–201
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012363
Status: Underutilized
Comment: 1000 sq ft., wood structure-needs rehab, no sanitary facilities, most recent use-company admin/supply.

Bldg. T–3752
Fort Devens
Fort Devens, MA
Landholding Agency: Army
Property Number: 219012366
Status: Underutilized
Comment: 4070 sq ft., most recent use-barracks, 2 story, wood, needs rehab

Maryland

Bldg. E4736
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012621
Status: Underutilized
Comment: possible contamination—under study; potential utilities.

Bldg. 4723
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012643
Status: Underutilized
Comment: 3250 sq. ft.; potential utilities; poor condition; possible asbestos.

Bldg. 5104
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012644
Status: Underutilized
Comment: 624 sq. ft.; trailer; potential utilities; poor condition.

Bldg. E5878
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012652
Status: Underutilized
Comment: 213 sq. ft.; structural deficiencies; possible abestos; and contamination.

Bldg. E5879

Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012653
Status: Underutilized
Comment: 213 sq. ft.; possible asbestos and contamination; no utilities; most recent use—igloo storage.

Bldg. E5974
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012654
Status: Underutilized
Comment: 272 sq. ft.; possible asbestos and contamination; most recent use—headquarters building.

Bldg. 738
Naval Air Test Center
Patuxent River, MD, Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010080
Status: Underutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 739
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010081
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 740
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010082
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 741
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 77010083
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 742
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010084
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 743
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010085
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 744
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010086
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 745
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010087
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 746
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 7709010088
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 747
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010089
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 748
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010090
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 749
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010092
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 750
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010093
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 751
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010095
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 752
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010096
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 753
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010098
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 754
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010100
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 755
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010102
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 756
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010103
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 757
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010104
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 758
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010105
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 759
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010106
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 760
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010108

Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 761
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010113
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 762
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010115
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 763
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010116
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 764
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010118
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 765
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010119
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 766
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010121
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 767
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010122
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 678
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010124
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate off state highway.

Bldg. 769
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010125
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 770
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010127
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 771
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010129
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 772
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010130
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 773
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010131
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 774
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010132
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 775
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010133
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 776
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010134
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 777
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010135
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 778
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010136
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 779
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010137
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 780
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010138
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 781
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010139
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 782
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010140
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 783
Naval Air Test Center
Patuxent River, MD Co.: St. Mary's
Landholding Agency: Navy
Property Number: 779010141
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 784
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010142
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 785
Naval Air Test Center

Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010143
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 786
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010144
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 787
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010145
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 788
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010146
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 789
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010147
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 790
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010148
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 791
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010149
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 792
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010150
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 793
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010151
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 794
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010152
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 795
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010153
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 796
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010154
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 797
Naval Air Test Center
Patuxent River, MD Co: St. Mary's
Landholding Agency: Navy
Property Number: 779010155
Status: Unutilized
Comment: One story residential building; utilities disconnected; needs rehab; requires alternate access off state highway.

Bldg. 10302
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219012666
Status: Unutilized
Comment: 42 sq. ft.; possible asbestos; most recent use—pumping station.

Bldg. E5978
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219012667
Status: Unutilized
Comment: 256 sq. ft.; 1 story; structural deficiencies; possible asbestos and contamination; most recent use—general storehouse.

Maine

Naval Air Station
Transmitter Site
Old Bath Road
Brunswick, ME Co: Cumberland
Landholding Agency: Navy
Property Number: 779010110
Status: Underutilized
Comment: 7,270 sq ft., 1 story bldg, most recent use—storage, structural deficiencies.

Michigan

Bldg. 1
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010006
Status: Excess
Comment: 6642 sq. ft.; 1 story concrete block; possible asbestos; most recent use—library/arts/crafts & storage.

Bldg. 2
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010007
Status: Excess
Comment: 1546 sq. ft.; 1 story concrete bldg; possible asbestos; most recent use—sales store.

Bldg. 3
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010008
Status: Excess
Comment: 7650 sq. ft.; 1 story concrete; possible asbestos; most recent use—maintenance shop and commissary.

Bldg. 4
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010009
Status: Excess
Comment: 120 sq. ft.; 1 story concrete; most recent use—storage.

Bldg. 5
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010010
Status: Excess
Comment: 3139 sq. ft.; 1 story concrete & wood; possible asbestos; most recent use—NCO Club.

Bldg. 6
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010021
Status: Excess
Comment: 2,855 sq ft., 2 story concrete/block/wood; possible asbestos; most recent use—dorm.

Bldg. 7
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron

Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010023
Status: Excess
Comment: 144 sq ft., 1 story block—3 sections, most recent use—storage.

Bldg. 10
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010024
Status: Excess
Comment: 1000 sq. ft., 1 story concrete, would need furnace, most recent use—automotive/hobby shop.

Bldg. 11
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010025
Status: Excess
Comment: 1547 sq. ft., 1 story concrete, no windows, tunnel type entrance, most recent use—troop shelter.

Bldg. 12
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010026
Status: Excess
Comment: 3630 sq. ft., 5 story tower with freight elevator.

Bldg. 13
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010027
Status: Excess
Comment: 1364 sq. ft. 1 story concrete, most recent use—storage.

Bldg. 15
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010028
Status: Excess
Comment: 2855 sq. ft., 2 story wood/concrete, most recent use—dorm.

Bldg. 16
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010029
Status: Excess
Comment: 2855 sq. ft., 2 story wood/concrete, most recent use—dorm.

Bldg. 17
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010030
Status: Excess
Comment: 2855 sq. ft., 2 story wood/concrete, most recent use—dorm.

Bldg. 18
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010031
Status: Excess
Comment: 2802 sq. ft., 1 story concrete, most recent use—vehicle maintenance shop.

Bldg. 19
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010032
Status: Excess
Comment: 2304 sq. ft., 1 story concrete, most recent use—heat plant.

Bldg. 20
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010033
Status: Excess
Comment: 3547 sq. ft., 1 story concrete, most recent use—dining hall.

Bldg. 23
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010034
Status: Excess
Comment: 576 sq. ft., 1 story concrete, most recent use-water supply building.

Bldg. 24
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010035
Status: Excess
Comment: 87 sq. ft., 1 story concrete, most recent use-water pump station.

Bldg. 25
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010036
Status: Excess
Comment: 114 sq. ft., 1 story concrete, most recent use-water pump station.

Bldg. 26
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010037
Status: Excess
Comment: 3,221 sq. ft., 2 story wood/concrete, most recent use-combination officers quarters and medical/dental clinic.

Bldg. 28
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010038
Status: Excess
Comment: 2,084 sq. ft., 1 story concrete, most recent use-bowling alley.

Bldg. 29
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010039
Status: Excess
Comment: 3,907 sq. ft., 1 story concrete/metal/steel, designed to be a power plant.

Bldg. 30
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010040
Status: Excess
Comment: 2,178 sq. ft., 2 story concrete, open at bottom, top floor no roof, radar tower.

Bldg. 31
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010041
Status: Excess
Comment: 114 sq. ft., 1 story concrete, most recent use-water pump station.

Bldg. 32
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010042
Status: Excess
Comment: 2,466 sq. ft., 1 story concrete block, most recent use-office.

Bldg. 33
Port Austin AFS
754th RADS (TAC)
Port Austin Township, MI Co: Huron

Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010043
Status: Excess
Comment: 1,621 sq. ft., 1 story concrete, most recent use—supply warehouse.

Bldg. 7348
Bayshore RBS
Det 6, 1st Combat Evaluation Group
Bay Shore, MI Co: Emmet
Landholding Agency: Air Force
Property Number: 189010044
Status: Excess
Comment: 225 sq. ft., 1 story wood frame, needs rehab, most recent use—storage.

Bldg. 7352
Bayshore RBS
Det 6, 1st Combat Evaluation Group
Bay Shore, MI Co: Emmet
Landholding Agency: Air Force
Property Number: 189010046
Status: Excess
Comment: 25 sq. ft., 1 story wood, most recent use—storage.

Bldg. 7354
Bayshore RBS
Det 6, 1st Combat Evaluation Group
Bay Shore, MI Co: Emmet
Landholding Agency: Air Force
Property Number: 189010049
Status: Excess
Comment: 25 sq. ft., 1 story wood, most recent use—storage.

Bldg. 7357
Bayshore RBS
Det 6, 1st Combat Evaluation Group
Bay Shore, MI Co: Emmet
Landholding Agency: Air Force
Property Number: 189010051
Status: Excess
Comment: 1,020 sq. ft., 1 story wood/frame/block, most recent use—hobby shop/recreation center.

Bldg. 7358
Bayshore RBS
Det 6, 1st Combat Evaluation Group
Bay Shore, MI Co: Emmet
Landholding Agency: Air Force
Property Number: 189010055
Status: Excess
Comment: 96 sq. ft., 1 story wood frame/concrete, most recent use—hazard storage.

Bldg. 5043
Bayshore RBS
Det 6, 1st Combat Evaluation Group
Bay Shore, MI Co: Emmet
Landholding Agency: Air Force
Property Number: 189010065
Status: Excess
Comment: 694 sq. ft., 1 story concrete/block. 134 sq. ft.; latrine with separate entrance.

Bldg. 34
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010086
Status: Excess
Comment: 1,972 sq. ft., 1 story concrete.

Bldg. 35
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010088
Status: Excess
Comment: 1,052 sq. ft., 1 story frame/concrete.

Bldg. 36
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010091
Status: Excess
Comment: 845 sq. ft., 1 story frame/concrete.

Bldg. 37
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010092
Status: Excess
Comment: 845 sq. ft., 1 story frame/concrete.

Bldg. 38
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010093
Status: Excess
Comment: 845 sq. ft., 1 story frame/concrete.

Bldg. 39
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010094
Status: Excess
Comment: 845 sq. ft., 1 story frame/concrete.

Bldg. 40
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010095
Status: Excess
Comment: 1052 sq. ft., 1 story frame/concrete.

Bldg. 139
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010097
Status: Excess
Comment: 56 sq. ft., 1 story prefab wood; potential use for storage; no utilities.

Bldg. 42
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010098
Status: Excess
Comment: 1052 sq. ft., 1 story frame/concrete.

Bldg. 140
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010099
Status: Excess
Comment: 56 sq. ft., 1 story prefab wood; potential use for storage; no utilities.

Bldg. 41
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010096
Status: Excess
Comment: 1052 sq. ft., 1 story frame/concrete.

Bldg. 141
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010101
Status: Excess
Comment: 56 sq. ft., 1 story prefab wood; potential use for storage; no utilities.

Bldg. 43
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010100
Status: Excess
Comment: 1052 sq. ft., 1 story frame/concrete.

Bldg. 142
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010102
Status: Excess
Comment: 56 sq. ft., 1 story prefab wood; potential use for storage; no utilities.

Bldg. 143
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010103
Status: Excess
Comment: 56 sq. ft., 1 story prefab wood; potential use for storage; no utilities.

Bldg. 144
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010104
Status: Excess
Comment: 45 sq. ft., 1 story prefab wood; potential use for storage; no utilities.

Bldg. 145
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010105
Status: Excess

Comment: 45 sq. ft., 1 story prefab wood; potential use for storage; no utilities.
Telephone Co. Facility
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010106
Status: Excess
Comment: 440 sq. ft.; 1 story; possible asbestos.
Recreation/Gym Bldg.
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010107
Status: Excess
Comment: 5899 sq. ft.; 1 story plus mezzanine.
Bldg. 44
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010108
Status: Excess
Comment: 108 sq. ft., 1 story concrete, most recent use—sewage pump station, potential for storage, no utilities.
Bldg. 46
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010110
Status: Excess
Comment: 2924 sq. ft., 1 story circular structure, limited utilities.
Bldg. 48
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010113
Status: Excess
Comment: 120 sq. ft., 1 story wood/concrete, potential utilities.
Bldg. 50
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010115
Status: Excess
Comment: 1922 sq. ft., 1 story concrete block/ most recent use—communications transmitter/receiver building.
Bldg. 51
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010118
Status: Excess
Comment: 672 sq. ft., 1 story frame/cement, most recent use—garage, limited utilities.
Bldg. 52
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010120
Status: Excess
Comment: 672 sq. ft., 1 story frame/cement, limited utilities.
Bldg. 53
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010122
Status: Excess
Comment: 672 sq. ft., 1 story frame/cement, limited utilities.
Bldg. 54
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010123
Status: Excess
Comment: 672 sq. ft., 1 story frame/cement, limited utilities.
Bldg. 55
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010124
Status: Excess
Comment: 336 sq. ft., 1 story frame/cement, limited utilities.
Bldg. 75
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula.
Landholding Agency: Air Force
Property Number: 189010125
Status: Excess
Comment: 384 sq. ft., 1 story frame, most recent use—fire hose storage potential use for storage.
Bldg. 103
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010126
Status: Excess
Comment: 192 sq. ft., 1 story wood, most recent use—waste oil.
Bldg. 135
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010127
Status: Excess
Comment: 56 sq. ft., 1 story prefab wood, no utilities, potential use for storage.
Bldg. 136
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010128
Status: Excess
Comment: 56 sq. ft., 1 story prefab wood, potential use for storage, no utilities.
Bldg. 137
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010129
Status: Excess
Comment: 56 sq. ft., 1 story prefab wood, potential use for storage, no utilities.
Bldg. 138
Port Austin AFS
Port Austin Township, MI Co: Huron
Location: Two miles south of Lake Huron on the northern tip of the Saginaw Peninsula
Landholding Agency: Air Force
Property Number: 189010130
Status: Excess
Comment: 56 sq. ft., 1 story prefab wood, potential use for storage, no utilities.

Missouri

Jefferson Barracks ANG Base
Missouri National Guard
1 Grant Road
St. Louis, MO Co: St. Louis
Landholding Agency: Air Force
Property Number: 189010081
Status: Underutilized
Comment: 20 acres; portion near flammable materials; portion on archaeological site; special fencing required.

New Mexico

Bldg. 23 1606 ABW/DE
Kirtland AFB
Wyoming Avenue
Kirtland, NM Co: Bernalillo
Landholding Agency: Air Force
Property Number: 189010071
Status: Unutilized
Comment: 596 sq. ft., 1 story portable building, off-site use only.
Bldg. 13 1606 ABW/DE
Kirtland AFB
Wyoming Avenue
Kirtland, NM Co: Bernalillo
Landholding Agency: Air Force
Property Number: 189010072
Status: Unutilized
Comment: 520 sq. ft., 1 story portable building, off-site use only.

New York

Bldg. 503
Fort Totten
Ordnance Road
Bayside, NY Co: Queens
Landholding Agency: Army
Property Number: 219012564
Status: Unutilized
Comment: 510 sq. ft., 1 floor, most recent use—storage, needs major rehab/no utilities.
Bldg. 323
Fort Totten
Story Avenue
Bayside, NY Co: Queens
Landholding Agency: Army
Property Number: 219012567

Status: Unutilized
Comment: 30000 sq. ft., 3 floors, most recent use—barracks & mess facility, needs major rehab.

Bldg. 304
Fort Totten
Shore Road
Bayside, NY Co: Queens
Landholding Agency: Army
Property Number: 219012570
Status: Unutilized
Comment: 9610 sq. ft., 3 floors, most recent use—hospital, needs major rehab/utilities disconnected.

Bldg. 211
Fort Totten
211 Totten Avenue
Bayside, NY Co: Queens
Landholding Agency: Army
Property Number: 219012573
Status: Unutilized
Comment: 6329 sq. ft., 3 floors, most recent use—family housing, needs major rehab, utilities disconnected.

Bldg. 502
Fort Totten
Lee Road
Bayside, NY CO: Queens
Landholding Agency: Army
Property Number: 219012576
Status: Unutilized Comment: 4680 sq. ft., 1 floor, most recent use—quarter master repair shop, needs major rehab, some utilities.

Bldg. 332
Fort Totten
Theater Road
Bayside, NY CO: Queens
Landholding Agency: Army
Property Number: 219012578
Status: Unutilized Comment: 6288 sq. ft., 1 floor, most recent use—theater w/stage, needs major rehab, utilities disconnected.

Bldg. 504
Fort Totten
Ordnance Road
Bayside, NY CO: Queens
Landholding Agency: Army
Property Number: 219012580
Status: Unutilized Comment: 490 sq. ft., 1 floor, most recent use—storage, no utilities, needs major rehab.

Bldg. 322
Fort Totten
322 Story Avenue
Bayside, NY CO: Queens
Landholding Agency: Army
Property Number: 219012583
Status: Unutilized Comment: 30000 sq. ft., 3 floors, most recent use—barracks, mess & administration, utilities disconnected, needs rehab.

Bldg. 326
Fort Totten
326 Pratt Avenue
Bayside, NY CO: Queens
Landholding Agency: Army
Property Number: 219012586
Status: Unutilized Comment: 6000 sq. ft., 2 floors, most recent use—storage, offices & residential, utilities disconnected/needs rehab.

Pennsylvania

U.S. Army Reserve Center
1800 N. 12th St.
Reading, PA CO: Berks
Landholding Aency: Army
Property Number: 219012538
Status: Excess Comment: 14246 sq. ft.; 3 story; brick structure bldg.; most recent use—Army Reserve Center; needs rehab.

South Carolina

Bldg. 5436
Fort Jackson
Hill Street
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012559
Status: Unutilized Comment: 946 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 5438
Fort Jackson
Hill Street
Fort Jackson, SC. Co: Richland
Landholding Agency: Army
Property Number: 2190012561
Statuts: Unutilized Comment: 5079 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 5405
Fort Jackson
Jackson Blvd.
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012563
Status: Unutilized Comment: 4764 sq. ft.; 1 floor; wood frame; needs rehab; to be vacated mid 1990.

Bldg. 1554
Fort Jackson
Ewell Road
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012565
Status: Unutilized Comment: 53519 sq. ft.; 1 floor; wood frame; open bay; needs rehab; formerly used as post laundry; most recent use—storage.

Bldg. 5429
Fort Jackson
Hill Street
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012566
Status: Unutilized Comment: 71 sq. ft.; concret; most recent use—storage; no utilities.

Bldg. 5430
Fort Jackson
Hill Street
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012568
Status: Unutilized Comment: 8000 sq. ft.; 1 floor; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 5434
Fort Jackson
Hill Street
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012569
Status: Unutilized
Comment: 3600 sq. ft.; wood frame; 1 floor; needs rehab; will be vacated mid 1990.

Bldg. 5409
Fort Jackson
Jackson Blvd.
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012571
Status: Unutilized
Comment: 3900 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 5428
Fort Jackson
Hill Street
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012572
Status: Unutilized
Comment: 71 sq. ft.; concrete; most recent use—storage; no utilities.

Bldg. 5401
Fort Jackson
Jackson & Hill Streets
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012574
Status: Unutilized
Comment: 8641 sq. ft.; wood frame; 1 floor; needs major rehab; to be vacated mid 1990.

Bldg. 5403
Fort Jackson
Hill Street & Jackson Blvd.
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012575
Status: Unutilized
Comment: 6821 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 5405
Fort Jackson
Jackson Blvd.
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012577
Status: Unutilized
Comment: 4764 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 7524
Fort Jackson
Near Pickens & Stuart Streets
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012579
Status: Unutilized
Comment: 3623 sq. ft.; wood frame; 1 floor; needs rehab; no utilities.

Bldg. 7523
Fort Jackson
Near Pickens & Stuart Street
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012581
Status: Unutilized
Comment: 3576 sq. ft.; wood frame; 1 floor; no utilities; needs rehab most recent use—storage.

Bldg. 6590
Fort Jackson
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012582
Status: Unutilized
Comment: 4027 sq. ft.; open/wood shed; 1 floor; no utilities; most recent use—storage.

Bldg. 5448
Fort Jackson
Hill Street
Fort Jackson, SC Co: Richland

Landholding Agency: Army
Property Number: 219012584
Status: Unutilized
Comment: 8020 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 5444
Fort Jackson
Hill Street
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012585
Status: Unutilized
Comment: 4970 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 5446
Fort Jackson
Hill Street
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012587
Status: Unutilized
Comment: 8020 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 9710
Fort Jackson
Hampton Parkway
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012588
Status: Unutilized
Comment: 2512 sq. ft.; wood frame; 1 floor; needs rehab.

Bldg. 9705
Fort Jackson
Hampton Parkway
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012590
Status: Unutilized
Comment: wood frame; 1 floor; needs rehab.

Bldg. 9649
Fort Jackson
Marion Avenue
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012591
Status: Unutilized
Comment: 2000 sq. ft.; wood frame/dirt floor; needs rehab; no utilities; most recent use—storage.

Bldg. 9616
Fort Jackson
Off Hampton Parkway
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012592
Status: Unutilized
Comment: 1144 sq. ft.; wood frame; 1 floor; need rehab; most recent use—storage.

Bldg. 9615
Fort Jackson
Off Hampton Parkway
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012593
Status: Unutilized
Comment: 2208 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 9605
Fort Jackson
Off Marion Avenue
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012594
Status: Unutilized
Comment: 2208 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 9563
Fort Jackson
Kemper Street
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012595
Status: Unutilized
Comment: 2312 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 9561
Fort Jackson
Bet. Kemper and Pender Streets
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012596
Status: Unutilized
Comment: 195 sq. ft.; wood frame; 1 floor; most recent use—open sided concession stand; no utilities.

Bldg. 9536
Fort Jackson
Vicinity Hampton Parkway
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012597
Status: Unutilized
Comment: 2250 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 9520
Fort Jackson
Corner Marion & Kemper Streets
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012598
Status: Unutilized
Comment: 3158 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 5442
Fort Jackson
Hill Street
Fort Jackson, SC Co: Richland
Landholding Agency: Army
Property Number: 219012599
Status: Unutilized
Comment: 4368 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Utah

Bldg. S–7D
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012109
Status: Unutilized
Comment: 180 sq. ft.; 1 story.

Virginia

Bldg. 1932
Fort Belvoir
Goethals Road
Fort Belvoir, VA Co: Fairfax
Landholding Agency: Army
Property Number: 219012310
Status: Unutilized
Comment: 6890 sq. ft.; 2 floors; most recent use—storage; All utilities have been removed; needs rehab.

Bldg. 227
Fort Belvoir
OPS General Purpose Building
Fort Belvoir, VA Co: Fairfax Location: Off of Middleton Road
Landholding Agency: Army
Property Number: 219012313
Status: Unutilized
Comment: 900 sq. ft.; one floor; concrete foundation with wood walls; utilities disconnected.

Bldg. 2222
Fort Belvoir
Fort Belvoir, VA Co: Fairfax
Location: West of Foster Road Landholding Agency: Army
Property Number: 219012315
Status: Unutilized
Comment: 3800 sq. ft. per floor; 2 floors; concrete foundation/frame building; no utilities.

Bldg. T–6015
U.S. Army Logistics Center & Fort Lee
Shop Road
Fort Lee, VA
Landholding Agency: Army
Property Number: 219012371
Status: Unutilized
Comment: 5260 sq. ft., 2 floors, no utilities, friable asbesots, confined to mechanical room, needs rehab, off-site use only.

Bldg. T–6024
U.S. Army Logistics Center And Fort Lee
Shop Road
Fort Lee, VA
Landholding Agency: Army
Property Number: 219012377
Status: Unutilized
Comment: 5260 sq. ft., no utilities, friable asbestos confined to mechanical room, needs rehab, off-site use only.

Bldg. T–6025
U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee, VA
Landholding Agency: Army
Property Number: 219012380
Status: Unutilized
Comment: 5260 sq. ft., 2 floors, no utilities, friable asbestos, confined to mechanical room, needs rehab, off-site use only.

Bldg. T–6026
U.S. Army Logistics Center And Fort Lee
Shop Road
Fort Lee, VA
Landholding Agency: Army
Property Number: 219012384
Status: Unutilized
Comment: 5260 sq. ft., 2 floors, no utilities, friable asbestos, confined to mechanical room, needs rehab, off-site use only.

Bldg. T–6011
U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee, VA
Landholding Agency: Army
Property Number: 219012387
Status: Unutilized
Comment: 2550 sq. ft., 1 floor, no utilities, possible asbestos, needs rehab, off-site use only.

Bldg. T–6012

U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee, VA
Landholding Agency: Army
Property Number: 219012390
Status: Unutilized
Comment: 1500 sq. ft., 1 floor, no utilities, needs rehab, off-site use only.

Bldg. T-6013
U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee, VA
Landholding Agency: Army
Property Number: 219012393
Status: Unutilized
Comment: 5433 sq. ft., 1 floor, no utilities, needs rehab, off-site use only.

Bldg. T-6018
U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee, VA
Landholding Agency: Army
Property Number: 219012396
Status: Unutilized
Comment: 1575 sq. ft., 1 floor, no utilities, possible asbestos, needs rehab, off-site use only.

Bldg. T-8018
U.S. Army Logistics Center and Fort Lee
Lee Avenue
Fort Lee, VA
Landholding Agency: Army
Property Number: 219012399
Status: Unutilized
Comment: 15,275 sq. ft., 2 floors, no utilities, possible asbestos, needs rehab, off site use only.

Bldg. 227
Fort Belvoir
OPS General Purpose
Fort Belvoir, VA Co: Fairfax
Location: Off Middleton Road
Landholding Agency: Army
Property Number: 219012555
Status: Unutilized
Comment: 900 sq. ft., 1 floor, most recent use-administration, needs major construction/rehab.

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk, VA Co: Norfolk
Landholding Agency: Navy
Property Number: 779010109
Status: Unutilized
Comment: 3,665 sq. ft., 1 story, possible asbestos, most recent use-laundry.

Unsuitable Land (by State)

Florida

Boca Chica Field
Naval Air Station
Key West, FL Co: Monroe
Landholding Agency: Navy
Property Number: 779010097
Status: Unutilized
Reason: Floodway.

East Martello Battery # 2
Naval Air Station
Key West, FL Co: Monroe
Landholding Agency: Navy
Property Number: 779010099
Status: Excess
Reason: Within airport runway clear zone.

Indiana

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219012360
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material, Secured Area.

Maryland

Carroll Island
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219012630
Status: Underutilized
Reason: Floodway, Secured Area.

Graces Quarters
Aberdeen Proving Ground
Edgewood City
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219012632
Status: Underutilized
Reason: Floodway, Secured Area.

New York

Watervliet Arsenal
Watervliet, NY Co: Albany
Location: East of Main Arsenal Reservation
Landholding Agency: Army
Property Number: 219012508
Status: Excess
Reason: Other
Comment: Easement to N.Y. State, 6-lane highway construction.

Pennsylvania

Lickdale Railhead
Fort Indiantown Gap
Lickdale, PA Co: Lebanon
Landholding Agency: Army
Property Number: 219012359
Status: Excess
Reason: Floodway.

Lickdale Railhead
Fort Indiantown Gap
Lickdale, PA Co: Lebanon
Location: Adjacent to State Route 72 and 343
Landholding Agency: Army
Property Number: 219012551
Status: Excess
Reason: Floodway.

Utah

Hill Air Force Base
Layton, UT Co: Davis
Location: Approximately 850 west 3000 North Street
Landholding Agency: GSA
Property Number: 549010010
Status: Surplus
Reason: Other
Comment: 16.36 acres; irregular elevations; several easements of record.
GSA NO. 7-D-UT-421AC

Virginia

Fort Belvoir Military Reservation—5.6 acres
South Post located West of Pohick Road
Fort Belvoir, VA Co: Fairfax
Location: Rightside of King Road
Landholding Agency: Army
Property Number: 219012550
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area
Comment: 5.6 acres.

Washington

Nike 32
Youngs Lake Easement
West of 174th Avenue, SE.
Renton, WA Co: King
Landholding Agency: GSA
Property Number: 549010009
Status: Surplus
Reason: Other
Comment: Water line easement; 1.5 acres; no government owned land.
GSA NO. D-WASH-723

Unsuitable Buildings (by State)

Alabama

Bldg. 831
Maxwell AFB
1st Street
Montgomery, AL Co: Montgomery
Landholding Agency: Air Force
Property Number: 189010001
Status: Unutilized
Reason: Secured Area.

Bldg. 913
Maxwell AFB
Avenue "C"
Montgomery, AL Co: Montgomery
Landholding Agency: Air Force
Property Number: 189010002
Status: Unutilized
Reason: Secured Area.

Bldg. 927
Maxwell AFB
Montgomery, AL Co: Montgomery
Location: Off Avenue "C"
Landholding Agency: Air Force
Property Number: 189010003
Status: Unutilized
Reason: Secured Area.

Bldg. 935
Maxwell AFB
Montgomery, AL Co: Montgomery
Location: Off Selfridge Street
Landholding Agency: Air Force
Property Number: 189010004
Status: Unutilized
Reason: Secured Area.

Bldg. 936
Maxwell AFB
Selfridge Street
Montgomery, AL Co: Montgomery
Landholding Agency: Air Force
Property Number: 189010005
Status: Unutilized
Reason: Secured Area.

Bldg. 809
Gunter AFB
Montgomery, AL Co: Montgomery
Location: Off Renfroe Street
Landholding Agency: Air Force
Property Number: 189010011
Status: Underutilized
Reason: Secured Area.

Bldg. 861
Gunter AFB
South Drive
Montgomery, AL Co: Montgomery
Landholding Agency: Air Force
Property Number: 189010012

Status: Unutilized
Reason: Secured Area.

Bldg. 1011
Gunter AFB
Avenue "A"
Montgomery, AL Co: Montgomery
Landholding Agency: Air Force
Property Number: 189010013
Status: Unutilized
Reason: Secured Area.

Bldg. 1020
Gunter AFB
4th Street
Montgomery, AL Co: Montgomery
Landholding Agency: Air Force
Property Number: 189010014
Status: Underutilized
Reason: Secured Area.

Bldg. 1022
Gunter AFB
Montgomery, AL Co: Montgomery
Location: Adjacent to Avenues "A" and "C"
Landholding Agency: Air Force
Property Number: 189010015
Status: Underutilized
Reason: Secured Area.

Bldg. 1042
Gunter AFB
Montgomery, AL Co: Montgomery
Location: Between "A" and "C"
Landholding Agency: Air Force
Property Number: 189010016
Status: Underutilized
Reason: Secured Area.

Bldg. 1050
Gunter AFB
4th Street
Montgomery, AL Co: Montgomery
Landholding Agency: Air Force
Property Number: 189010017
Status: Unutilized
Reason: Secured Area.

Bldg. 1051
Gunter AFB
Montgomery, AL Co: Montgomery
Location: Adjacent to 4th Street
Landholding Agency: Air Force
Property Number: 189010018
Status: Unutilized
Reason: Secured Area.

Bldg. 1052
Gunter AFB
Montgomery, AL Co: Montgomery
Location: Between Avenues A and C
Landholding Agency: Air Force
Property Number: 189010019
Status: Underutilized
Reason: Secured Area.

Bldg. 1060
Gunter AFB
4th Street at Avenue C
Montgomery, AL Co: Montgomery
Landholding Agency: Air Force
Property Number: 189010020
Status: Unutilized
Reason: Secured Area.

Bldg. 1061
Gunter AFB
Avenue C
Montgomery, AL Co: Montgomery
Landholding Agency: Air Force
Property Number: 189010022
Status: Unutilized
Reason: Secured Area.

California

Bldg. P–99
Fort Hunter Liggett
Jolon, CA Co: Monterey
Landholding Agency: Army
Property Number: 219012413
Status: Unutilized
Reason: Other
Comment: Latrine, detached structure.

Bldg. P–177
Fort Hunter Liggett
Infantry Road
Jolon, CA Co: Monterey
Landholding Agency: Army
Property Number: 219012414
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. P–178
Fort Hunter Liggett
Jolon, CA Co: Monterey
Landholding Agency: Army
Property Number: 219012415
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.
Comment: Latrine, detached structure.

Bldg. T–324
Fort Hunter Liggett
Mission Road, East of Airfield
Jolon, CA Co: Monterey
Landholding Agency: Army
Property Number: 219012420
Status: Unutilized
Reason: Other
Comment: Latrine, detached structure.

Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank, CA Co: Stanislaus
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 325
Fort Hunter Liggett
Mission Road
Jolon, CA Co: Monterey
Location: Near Wildlife Check Station
Landholding Agency: Army
Property Number: 219012600
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. T–323
Fort Hunter Liggett
Mission Road
Jolon, CA Co: Monterey
Location: East of Airfield
Landholding Agency: Army
Property Number: 219012601
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
Comment: Within 2,000 ft. of sewage facility.

Bldg. T–322
Fort Hunter Liggett
Mission Road
Jolon, CA Co: Monterey
Location: East of Airfield
Landholding Agency: Army
Property Number: 219012602
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
Comment: Within 2,000 ft. of sewage facility.

Bldg. 52
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010050
Status: Excess
Reason: Secured Area.

Bldg. 494
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010052
Status: Excess
Reason: Within airport runway clear zone, Secured Area.

Bldg. 716
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010053
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 742
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010054
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 743
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010056
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 744
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010057
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 745
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010059
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 746
McClellan AFB
Sacramento, CA Co: Sacramento
Landholing Agency: Air Force
Property Number: 189010060
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 747
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010062
Status: Excess

Reason: Within 2000 ft. of flammable or explosive material, Secured Area.
Bldg. 748
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010063
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.
Bldg. 749
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010064
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.
Bldg. 750
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010066
Status: Excess Reason: Within 2000 ft. of Flammable or explosive material, Secured Area.
Bldg. 793
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010067
Status: Excess Reason: Within 2000 ft. of Flammable or explosive material, Secured Area.
Bldg. 794
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010068
Status: Excess Reason: Within 2000 ft. of Flammable or explosive material, Secured Area.
Bldg. 795
McClellan AFB
Sacramento, CA Co: Sacramento
Landholding Agency: Air Force
Property Number: 189010070
Status: Excess Reason: Within 2000 ft. of Flammable or explosive material, Secured Area.
Bldg. 4052
March AFB
Ice House, in West March
Riverside, CA Co: Riverside
Landholding Agency: Air Force
Property Number: 189010082
Status: Unutilized
Reason: Within airport runway clear zone.
Beale Air Force Base
14 Miles East of Marysville
Marysville, CA Co: Yuba
Landholding Agency: Air Force
Property Number: 189010083
Status: Underutilized
Reason: Other.
Comment: Cattle grazing lease-expires May 30, 1994.

Colorado

Bldg. 38
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 36
Landholding Agency: Army
Property Number: 219012206.
Status: Unutilized
Reason: Secured Area.
Bldg. 41
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012209.
Status: Unutilized
Reason: Secured Area.
Bldg. 80
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012211.
Status: Unutilized
Reason: Secured Area.
Bldg. 88
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012212.
Status: Unutilized
Reason: Secured Area.
Bldg. 97
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012214.
Status: Unutilized
Reason: Secured Area.
Bldg. 99
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012216.
Status: Unutilized
Reason: Secured Area.
Bldg. 115
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012218
Status: Underutilized
Reason: Secured Area.
Bldg. 154
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012220
Status: Underutilized
Reason: Secured Area.
Bldg. 158
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012221
Status: Unutilized
Reason: Secured Area.
Bldg. 162
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012223
Status: Underutilized
Reason: Secured Area.
Bldg. 166
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012224
Status: Underutilized
Reason: Secured Area.
Bldg. 170
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012226
Status: Unutilized
Reason: Secured Area.
Bldg. 171
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012227
Status: Unutilized
Reason: Secured Area.
Bldg. 179
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012228
Status: Unutilized
Reason: Secured Area.
Bldg. 180
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012230
Status: Unutilized
Reason: Secured Area.
Bldg. 186
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012231
Status: Unutilized
Reason: Secured Area.
Bldg. 202
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012232
Status: Unutilized
Reason: Secured Area.

Bldg. 205
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012234
Status: Unutilized
Reason: Secured Area.

Bldg. 348
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012233
Status: Unutilized
Reason: Secured Area.

Bldg. 206
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012235
Status: Underutilized
Reason: Secured Area.

Bldg. 373
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012236
Status: Unutilized
Reason: Secured Area.

Bldg. 207
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012237
Status: Underutilized
Reason: Secured Area.

Bldg. 241
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012238
Status: Underutilized
Reason: Secured Area.

Bldg. 401
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012239
Status: Unutilized
Reason: Secured Area.

Bldg. 275
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012240
Status: Unutilized
Reason: Secured Area.

Bldg. 299
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012242
Status: Unutilized
Reason: Secured Area.

Bldg. 402
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012241
Status: Unutilized
Reason: Secured Area.

Bldg. 323
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012243
Status: Underutilized
Reason: Secured Area.

Bldg. 324
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012245
Status: Unutilized
Reason: Secured Area.

Bldg. 408
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012244
Status: Unutilized
Reason: Secured Area.

Bldg. 409
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012247
Status: Unutilized
Reason: Secured Area.

Bldg. 546
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012246
Status: Underutilized
Reason: Secured Area.

Bldg. 547
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012249
Status: Underutilized
Reason: Secured Area.

Bldg. 410
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012248
Status: Unutilized
Reason: Secured Area.

Bldg. 556
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012250
Status: Unutilized
Reason: Secured Area.

Bldg. 558
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012252
Status: Unutilized
Reason: Secured Area.

Bldg. 560
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012253
Status: Underutilized
Reason: Secured Area.

Bldg. 562
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012254
Status: Unutilized
Reason: Secured Area.

Bldg. 412
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012251
Status: Unutilized
Reason: Secured Area.

Bldg. 567
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012255
Status: Unutilized
Reason: Secured Area.

Bldg. 413
Pueblo Army Depot
Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012256
Status: Underutilized
Reason: Secured Area.

Bldg. 570
Pueblo Army Depot

Pueblo, CO Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012257
Status: Underutilized
Reason: Secured Area.

Bldg. 630
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012258
Status: Unutilized
Reason: Secured Area.

Bldg. 416
Pueblo Army Depot
Pueblo CO, Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012259
Status: Unutilized
Reason: Secured Area.

Bldg. 712
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012260
Status: Unutilized
Reason: Secured Area.

Bldg. 417
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012261
Status: Underutilized
Reason: Secured Area.

Bldg. 713
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012262
Status: Unutilized
Reason: Secured Area.

Bldg. 717
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012263
Status: Unutilized
Reason: Secured Area.

Bldg. 425
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012264
Status: Unutilized
Reason: Secured Area.

Bldg. 718
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012265
Status: Unutilized
Reason: Secured Area.

Bldg. 427
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012266
Status: Unutilized
Reason: Secured Area.

Bldg. 741
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012267
Status: Underutilized
Reason: Secured Area.

Bldg. 742
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012268
Status: Underutilized
Reason: Secured Area.

Bldg. 430
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 Miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012269
Status: Unutilized
Reason: Secured Area.

Bldg. 743
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012270
Status: Underutilized
Reason: Secured Area.

Bldg. 746
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012271
Status: Underutilized
Reason: Secured Area.

Bldg. 760
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012272
Status: Underutilized
Reason: Secured Area.

Bldg. 761
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012273
Status: Underutilized
Reason: Secured Area.

Bldg. 762
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012274
Status: Unutilized
Reason: Secured Area.

Bldg. 763
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012275
Status: Unutilized
Reason: Secured Area.

Bldg. 807
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012276
Status: Unutilized
Reason: Secured Area.

Bldg. 808
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012277
Status: Underutilized
Reason: Secured Area.

Bldg. 810
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012278
Status: Unutilized
Reason: Secured Area.

Bldg. 812
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012280
Status: Unutilized
Reason: Secured Area.

Bldg. 814
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 2190122781
Status: Unutilized

Reason: Secured Area.
Bldg. 432
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012282
Status: Unutilized
Reason: Secured Area.
Bldg. 816
Tocelo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012283
Status: Unutilized
Reason: Secured Area.
Bldg. 817
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012285
Status: Unutilized
Reason: Secured Area.
Bldg. 434
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012284
Status: Unutilized
Reason: Secured Area.
Bldg. 818
Tooele Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012286
Status: Unutilized
Reason: Secured Area.
Bldg. 473
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012287
Status: Underutilized
Reason: Secured Area.
Bldg. 823
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012288
Status: Unutilized
Reason: Secured Area.
Bldg. 938
Tooele Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012290
Status: Unutilized
Reason: Secured Area.
Bldg. 475
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012289
Status: Underutilized
Reason: Secured Area.
Bldg. 942
Tooele Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012291
Status: Underutilized
Reason: Secured Area.
Bldg. 498
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012292
Status: Underutilized
Reason: Secured Area.
Bldg. 943
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012293
Status: Underutilized
Reason: Secured Area.
Bldg. 496
Tooele Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles east of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012294
Status: Underutilized
Reason: Secured Area.
Bldg. 1210
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012295
Status: Underutilized
Reason: Secured Area.
Bldg. 1220
Army Depot
Pueblo
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012296
Status: Underutilized
Reason: Secured Area.
Bldg. 1225
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012297
Status: Underutilized
Reason: Secured Area.
Bldg. 1226
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012298
Status: Underutilized
Reason: Secured Area.
Bldg. 501
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012299
Status: Underutilized
Reason: Secured Area.
Bldg. 510
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012300
Status: Underutilized
Reason: Secured Area.
Bldg. 525
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012301
Status: Underutilized
Reason: Secured Area.
Bldg. 535
Tooele Army Depot
Pueblo Depot Activity
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012302
Status: Underutilized
Reason: Secured Area.
Bldg. 545
Pueblo Army Depot
Pueblo, CO, Co: Pueblo
Location: 14 miles East of Pueblo City on US Highway 50
Landholding Agency: Army
Property Number: 219012303
Status: Underutilized
Reason: Secured Area.

Florida

East Martello Bunker #1
Naval Air Station
Key West, FL, Co: Monroe
Landholding Agency: Navy
Property Numbers: 779010101
Status: Excess
Reason: Within airport runway clear zone.

Georgia

Naval Submarine Base-Kings Bay
1011 USS Daniel Boone Avenue
Kings Bay, GA, Co: Camden
Landholding Agency: Navy
Property Number: 779010107
Status: Unutilized
Reason: Secured Area.

Iowa

Bldg. 5B–03–3
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012603
Staus: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 5B–137–1
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012605
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 5B–137–3
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012606
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 5B–137–2
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012607
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 600–52
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012609
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 6–137–3
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012611
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 30–137–2
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012613
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 23–53
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012615
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1–55
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012618
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1–129
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012620
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1–115–8
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012622
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1–78
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Landholding Agency: Army
Property Number: 219012624
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Illinois

Bldg. 704–5
Joliet Army Ammunition Plant
Joliet IL, Co: Will
Landholding Agency: Army
Property Number: 219012331
Status: Unutilized
Reason: Secured Area.

Bldg. 251
Rock Island Arsenal
Rock Island, IL, Co: Rock Island
Landholding Agency: Army
Property Number: 219012357
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 928
Naval Training Center
Great Lakes
Great Lakes, IL, Co: Lake
Landholding Agency: Navy
Property Number: 779010120
Status: Unutilized
Reason: Secured Area.

Bldg. 28
Naval Training Center
Great Lakes
Great Lakes, IL, Co: Lake
Landholding Agency: Navy
Property Number: 779010123
Status: Unutilized
Reason: Secured Area.

Bldg. 25
Naval Training Center
Great Lakes
Great Lakes, IL, Co: Lake
Landholding Agency: Navy
Property Number: 779010126
Status: Unutilized
Reason: Secured Area.

Bldg. 2
Naval Training Center
Great Lakes
Great Lakes, IL, Co: Lake
Landholding Agency: Navy
Property Number: 779010128
Status: Underutilized
Reason: Secured Area.

Maryland

Bldg. E7124
Aberdeen Proving Ground
Edgewood aRea
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012608
Status: Unutilized
Reason: Secured Area.

Bldg. E5760
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Hartford
Landholding Agency: Army
Property Number: 219012610
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E3474
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012612
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E3476
Aberdeen Proving Ground
Edgewood Area
Aberdeen, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012614
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E3482
Aberdeen Proving Ground
Edgewood Area
Aberdeen, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012616
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E3484
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012617
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E3574
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012619
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E5032
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012623
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E5857
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford

Landholding Agency: Army
Property Number: 219012625
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 461
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012626
Status: Unutilized
Reason: Secured Area.

Bldg. E5815
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012627
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E5811
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012629
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E3170
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012628
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E1480
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012631
Status: Unutilized
Reason: Secured Area.

Bldg. E6891
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012633
Status: Unutilized
Reason: Secured Area.

Bldg. E3374
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012634
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E1426
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012635
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E5325
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012637
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E5375
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012638
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E5440
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012639
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E5441
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012640
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E5444
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012641
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 5476
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012642
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E3376
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012645
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E3378
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012646
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E3380
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012647
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E3460
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012648
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E3470
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012649
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E3472
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012650
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E5852
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012651
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E7246
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012655
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E7825
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012656
Status: Unutilized
Reason: Secured Area.

Bldg. E5877
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012657
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E5190
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army

Property Number: 219012658
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E5481
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012659
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E5485
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012660
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E5487
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012661
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E5489
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012662
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. E5687
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford
Landholding Agency: Army
Property Number: 219012663
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. E5740
Aberdeen Proving Ground
Edgewood City, MD Co: Harford
Landholding Agency: Army
Property Number: 2190127664
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Michigan

Bldg. 602
US Army Garrison Selfridge
Mt. Clemens, MI Co: Macomb
Landholding Agency: Army
Property Number: 219012355
Status: Unutilized
Reason: Within airport runway clear zone, Floodway, Secured Area.

Bldg. 604
US Army Garrison Selfridge
Mt. Clemens, MI Co: Macomb
Landholding Agency: Army
Property Number: 219012356
Status: Unutilized
Reason: Within airport runway clear zone, Floodway, Secured Area.

Detroit Arsenal Tank Plant
28251 Van Dyke Avenue
Warren, MI Co: Macomb
Landholding Agency: Army
Property Number: 219012358
Status: Underutilized
Reason: Secured Area.

Minnesota

Bldg. 46
NAVAIRESCEN
6201 32nd Avenue South
Minneapolis, MN Co: Hennipen
Landholding Agency: Air Force
Property Number: 189010085
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 616
Minnesota Air Nat'l Guard
HQ 133rd Tactical Airlift Wing (MAC)
Minneapolis, MN Co: Hennepin
Landholding Agency: Air Force
Property Number: 189010087
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 622
Minnesota Air Nat'l Guard
HQ 133rd Tactical Airlift Wing (MAC)
Minneapolis, MN Co: Hennepin
Landholding Agency: Air Force
Property Number: 189010089
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 810
934th Tactical Airlift Group
Minneapolis-St. Paul IAP
Minneapolis/St. Paul, MN Co: Hennepin
Landholding Agency: Air Force
Property Number: 189010090
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Montana

Bldg. 140
Malmstrom AFB
Between Goddard Avenue & 2nd Street
Malmstrom, MT Co: Cascade
Landholding Agency: Air Force
Property Number: 189010076
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area.

Bldg. 280
Malmstrom AFB
Flightline & Avenue G
Malmstrom, MT Co: Cascade
Landholding Agency: Air Force
Property Number: 189010077
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area.

Bldg. 621
Malmstrom AFB
1st Street & Avenue I
Malmstrom, MT Co: Cascade
Landholding Agency: Air Force
Property Number: 189010078
Status: Unutilized
Reason: Other environmental, Secured Area.
Comment: Friable asbestos.

Bldg. 1500
Malmstrom AFB
Perimeter Road
Malmstrom, MT Co: Cascade
Landholding Agency: Air Force
Property Number: 189010079
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1502
Malmstrom AFB
Perimeter Road
Malmstrom, MT, Co: Cascade
Landholding Agency: Air Force
Property Number: 189010080
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

New Jersey

Bldg. 603
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012423
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 602A
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012424
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 445A
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012425
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 602
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012426
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 435
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012427
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 7171
Armament Research Dev. & Engineering Center
Route 15 North

Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012428
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 427C
Armament Research, Dev. & Engineering Center
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012429
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 717L
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012430
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 717G
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012431
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 445D
Armament Research, Dev. & Eng. Ctr
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012432
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 645A
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012433
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 605
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012434
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 732C
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012435
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 600
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012437
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 445C
Armament Research, Dev. & Engineering Center
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012436
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 732E
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012438
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 3525
Armament Research, Dev. & Engineering Center
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012439
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 732D
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012440
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 717J
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012441
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 735A
Armament Research, Dev. & Engineering Center
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012442
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 732B
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012443
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 732A
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012444
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 810A
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012445
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 3537
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012446
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 807B
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012447
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 3625
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012448
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 732F
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012449
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 909
Armament Research Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012451
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 3405

Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012450
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 930
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012452
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 3206
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012453
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 926
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012454
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 911A
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012455
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 3603
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012456
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 911
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012457
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 3617
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012458
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 910
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012459
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 902
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012460
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 3618
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012461
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 903
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012462
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 823
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012464
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1033A
Armament Res., Dev. & Eng. C.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012463
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 816A
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012465
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1033
Armament Res., Dev. & Eng. C.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012466
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 820C
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012467
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 816B
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012469
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 410A
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012470
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 407F
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012471
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 407B
Armament Research, Dev. & Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219012472
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 3598
Armament Res. Dev. & Engineering Ctr.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012468
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 813E
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North
Landholding Agency: Army
Property Number: 219012473
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 813D
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15 North

Landholding Agency: Army
Property Number: 219012474
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 918
Armament Research, Dev. & Engineering Center
Picatinny Arsenal, NJ, Co: Morris
Location: Route 15
Landholding Agency: Army
Property Number: 219012475
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

New Mexico

Bldg. 18 1606 ABW/DE
Kirtland AFB
Wyoming Avenue
Kirtland, NM, Co: Bernalillo
Landholding Agency: Air Force
Property Number: 189010069
Status: Unutilized
Reason: Other
Comment: Latrine-detached structure

New York

Bldg. 10
Watervliet Arsenal
Watervliet NY, Co: Albany
Landholding Agency: Army
Property Number: 219012514
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 20
Watervliet Arsenal
Watervliet, NY, Co: Albany
Landholding Agency: Army
Property Number: 219012516
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 40
Watervliet Arsenal
Watervliet, NY, Co: Albany
Landholding Agency: Army
Property Number: 219012519
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 25
Watervliet Arsenal
Watervliet, NY, Co: Albany
Landholding Agency: Army
Property Number: 219012521
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area
Comment: Contamination

Bldg. 110
Fort Totten
110 Duane Road
Bayside, NY, Co: Queens
Landholding Agency: Army
Property Number: 219012589
Status: Unutilized
Reason: Other
Comment: Contamination

Bldg. 518 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls, NY, Co: Niagara
Landholding Agency: Air Force
Property Number: 189010073
Status: Unutilized
Reason: Within 200 ft. of flammable or explosive material; Secured Area

Bldg. 524 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls, NY, Co: Niagara
Landholding Agency: Air Force
Property Number: 189010074
Status: Unutilized
Reason: Within 200 ft. of flammable or explosive material; Secured Area

Bldg. 628 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls, NY, Co: Niagara
Landholding Agency: Air Force
Property Number: 189010075
Status: Unutilized
Reason: Within 200 ft. of flammable or explosive material; Secured Area

Ohio

Bldg. DB–2
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012476
Status: Unutilized
Reason: Secured Area

Bldg. DA–1
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012477
Status: Unutilized
Reason: Secured Area

Bldg. DC–3
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012478
Status: Unutilized
Reason: Secured Area

Bldg. DD–4
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012479
Status: Unutilized
Reason: Secured Area

Bldg. U–10
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012480
Status: Unutilized
Reason: Secured Area

Bldg. F–1
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012481
Status: Unutilized
Reason: Secured Area

Bldg. G–5
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012482
Status: Unutilized
Reason: Secured Area

Bldg. G–20
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012483
Status: Unutilized
Reason: Secured Area

Bldg. U–3
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012484
Status: Unutilized
Reason: Secured Area

Bldg. U–6
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012485
Status: Unutilized
Reason: Secured Area

Bldg. 151A
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012486
Status: Unutilized
Reason: Secured Area

Bldg. 251A
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012487
Status: Unutilized
Reason: Secured Area

Bldg. 351A
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012488
Status: Unutilized
Reason: Secured Area

Bldg. 950–A
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012489
Status: Unutilized
Reason: Secured Area

Bldg. 950–C
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012490
Status: Unutilized
Reason: Secured Area

Bldg. 950–E
Ravenna Army Ammunition Plant
8451 State Route 5

Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012491
Status: Unutilized
Reason: Secured Area

Bldg. 1030
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012492
Status: Unutilized
Reason: Secured Area

Bldg. 1060
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012493
Status: Unutilized
Reason: Secured Area

Bldg. 1067
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012494
Status: Unutilized
Reason: Secured Area

Bldg. 1068
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012495
Status: Unutilized
Reason: Secured Area

Bldg. 4741
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012496
Status: Unutilized
Reason: Secured Area

Bldg. U–14
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012497
Status: Unutilized
Reason: Secured Area

Bldg. FA–25
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012498
Status: Unutilized
Reason: Secured Area

Bldg. FA–26
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012499
Status: Unutilized
Reason: Secured Area

Bldg. FA–27
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012500
Status: Unutilized
Reason: Secured Area

Bldg. FA–28
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012501
Status: Unutilized
Reason: Secured Area

Bldg. FA–29
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012502
Status: Unutilized
Reason: Secured Area

Bldg. FA–30
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012503
Status: Unutilized
Reason: Secured Area

Bldg. FB–18
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012504
Status: Unutilized
Reason: Secured Area

Bldg. FB–19
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012505
Status: Unutilized
Reason: Secured Area

Bldg. FB–20
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012506
Status: Unutilized
Reason: Secured Area

Bldg. FB–21
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012507
Status: Unutilized
Reason: Secured Area

Bldg. FB–22
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012509
Status: Unutilized
Reason: Secured Area

Bldg. FB–23
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012510
Status: Unutilized
Reason: Secured Area

Bldg. FB–24
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012511
Status: Unutilized
Reason: Secured Area

Bldg. FC–12
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012512
Status: Unutilized
Reason: Secured Area

Bldg. FC–13
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012513
Status: Unutilized
Reason: Secured Area

Bldg. FC–14
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012515
Status: Unutilized
Reason: Secured Area

Bldg. FC–15
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012517
Status: Unutilized
Reason: Secured Area

Bldg. FC–16
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012518
Status: Unutilized
Reason: Secured Area

Bldg. FC–17
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, CO: Portage
Landholding Agency: Army
Property Number: 219012520
Status: Unutilized
Reason: Secured Area

Bldg. FD–6
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012522
Status: Unutilized
Reason: Secured Area

Bldg. FD–7
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012523
Status: Unutilized
Reason: Secured Area

Bldg. FD–8
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012525
Status: Unutilized
Reason: Secured Area

Bldg. FD–9
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012526
Status: Unutilized
Reason: Secured Area

Bldg. FD–10
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012527
Status: Unutilized
Reason: Secured Area

Bldg. FD–11
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012528
Status: Unutilized
Reason: Secured Area

Bldg. FE–1
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012530
Status: Unutilized
Reason: Secured Area

Bldg. FE–2
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012531
Status: Unutilized
Reason: Secured Area

Bldg. FE–3
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012532
Status: Unutilized
Reason: Secured Area

Bldg. FE–4
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012534
Status: Unutilized
Reason: Secured Area

Bldg. FE–5
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012535
Status: Unutilized
Reason: Secured Area

Bldg. F–6
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219012537
Status: Unutilized
Reason: Secured Area

Oregon

Bldg. 26
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow/Umatilla
Location: 13 miles east of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012173
Status: Unutilized
Reason: Secured Area

Bldg. 38
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow/Umatilla
Location: 13 miles east of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012174
Status: Unutilized
Reason: Secured Area

Bldg. 53
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012175
Status: Underutilized
Reason: Secured Area.

Bldg. 54
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012176
Status: Underutilized
Reason: Secured Area.

Bldg. 56
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012177
Status: Unutilized
Reason: Secured Area.

Bldg. 83
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number 219012178
Status: Underutilized
Reason: Secured Area.

Bldg. 85
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012179
Status: Underutilized
Reason: Secured Area.

Bldg. 114
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012180
Status: Unutilized
Reason: Secured Area.

Bldg. 117
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012181
Status: Unutilized
Reason: Secured Area.

Bldg. 118
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012182
Status: Unutilized
Reason: Secured Area.

Bldg. 119
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012183
Status: Unutilized
Reason: Secured Area.

Bldg. 120
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012184
Status: Unutilized
Reason: Secured Area.

Bldg. 127
Tooele Army Depot
Umatilla Army Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012185
Status: Unutilized
Reason: Secured Area.

Bldg. 128
Tooele Army Depot
Umatilla Depot Activity
Hermiston, Or Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012186
Status: Unutilized
Reason: Secured Area.

Bldg. 129

Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012187
Status: Unutilized
Reason: Secured Area.

Bldg. 130
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012188
Status: Unutilized
Reason: Secured Area.

Bldg. 155
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012189
Status: Unutilized
Reason: Secured Area.

Bldg. 208
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012190
Status: Underutilized
Reason: Secured Area.

Bldg. 211
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012191
Status: Underutilized
Reason: Secured Area.

Bldg. 346
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012192
Status: Unutilized
Reason: Secured Area.

Bldg. 417
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow/Umatilla
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012195
Status: Unutilized
Reason: Secured Area.

Bldg. 418
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012196
Status: Unutilized
Reason: Secured Area.

Bldg. 433
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012197
Status: Underutilized
Reason: Secured Area.

Bldg. 457
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012198
Status: Underutilized
Reason: Secured Area.

Bldg. 482
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012199
Status: Unutilized
Reason: Secured Area.

Bldg. 483
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012200
Status: Unutilized
Reason: Secured Area.

Bldg. 484
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012201
Status: Unutilized
Reason: Secured Area.

Bldg. 485
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012202
Status: Unutilized
Reason: Secured Area.

Bldg. 486
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012103
Status: Unutilized
Reason: Secured Area.

Bldg. 488
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012104
Status: Unutilized
Reason: Secured Area.

Bldg. 490
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow/Umatilla
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012205
Status: Unutilized
Reason: Secured Area.

Bldg. 493
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012207
Status: Unutilized
Reason: Secured Area.

Bldg. 494
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012208
Status: Unutilized
Reason: Secured Area.

Bldg. 495
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012210
Status: Unutilized
Reason: Secured Area.

Bldg. 605
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012213
Status: Unutilized
Reason: Secured Area.

Bldg. 606
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012215
Status: Unutilized
Reason: Secured Area.

Bldg. 608
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow

Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012117
Status: Underutilized
Reason: Secured Area.

Bldg. 611
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012219
Status: Unutilized
Reason: Secured Area.

Bldg. 615
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012222
Status: Unutilized
Reason: Secured Area.

Bldg. 616
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow
Location: 13 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012225
Status: Unutilized
Reason: Secured Area.

Bldg. 624
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow
Location: 8 miles East of Hermiston, Oregon on I–84
Landholding Agency: Army
Property Number: 219012229
Status: Underutilized
Reason: Secured Area.

Bldg. 431
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR Co: Morrow
Landholding Agency: Army
Property Number: 219012279
Status: Unutilized
Reason: Secured Area.

Pennsylvania

Bldg. 62
Philadelphia Naval Shipyard
Philadelphia, PA Co: Philadelphia
Landholding Agency: Navy
Property Number: 779010112
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 614
Philadelphia Naval Shipyard
Philadelphia, PA Co: Philadelphia
Landholding Agency: Navy
Property Number: 779010114
Status: Unutilized
Reason: Secured Area.

Bldg. 650
Philadelphia Naval Shipyard
Philadelphia, PA Co: Philadelphia
Landholding Agency: Navy
Property Number: 779010117
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Tennessee

Bldg. 225
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012304
Status: Unutilized
Reason: Secured Area.

Bldg. 226
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012305
Status: Unutilized
Reason: Secured Area.

Bldg. F9
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012306
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. P5
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012307
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. P9
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012308
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. V1
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012309
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. V3
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012311
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. V7
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012312
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. F–1
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012314
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 107
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012316
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. R9
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012317
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 144
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012319
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 2
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012325
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. W1
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012328
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. P10
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012330
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. U1
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012332
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. P1
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012334
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012335
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. V9
Holston Army Ammunition Plant
Kingsport, TN Co: Hawkins
Landholding Agency: Army
Property Number: 219012337
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Texas

Bldg. M-3
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana, TX Co: Bowie
Landholding Agency: Army
Property Number: 219012524
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. C-11
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana, TX Co: Bowie
Landholding Agency: Army
Property Number: 219012529
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. C-10
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana, TX Co: Bowie
Landholding Agency: Army
Property Number: 219012533
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. C-15
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana, TX Co: Bowie
Landholding Agency: Army
Property Number: 219012536
Status: Unutilized
Reason: Secured Area.

Bldg. J-8
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana, TX Co: Bowie
Landholding Agency: Army
Property Number: 219012539
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. J-17
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana, TX Co: Bowie
Landholding Agency: Army
Property Number: 219012540
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. J-21
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana, TX Co: Bowie
Landholding Agency: Army
Property Number: 219012542
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. M-8
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana, TX Co: Bowie
Landholding Agency: Army
Property Number: 219012544
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. M-24
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana, TX Co: Bowie
Landholding Agency: Army
Property Number: 219012545
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 0021A
Longhorn Army Ammunition Plant
Karnack, TX Co: Harrison
Location: State highway 43 north
Landholding Agency: Army
Property Number: 219012546
Status: Underutilized
Reason: Secured Area.

Bldg. 0027A
Longhorn Army Ammunition Plant
Karnack, TX Co: Harrison
Location: State highway 43 north
Landholding Agency: Army
Property Number: 219012548
Status: Underutilized
Reason: Secured Area.

Utah

Bldg. S-32
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012111
Status: Unutilized
Reason: Secured Area.

Bldg. S-30
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012110
Status: Unutilized
Reason: Secured Area.

Bldg. S33-1
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012114
Status: Unutilized
Reason: Secured Area.

Bldg. S-37-1
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012115
Status: Unutilized
Reason: Secured Area.

Bldg. S-37-2
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012116
Status: Unutilized
Reason: Secured Area.

Bldg. S-43
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012117
Status: Unutilized
Reason: Secured Area.

Bldg. S-44
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012118
Status: Unutilized
Reason: Secured Area.

Bldg. S-46
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012119
Status: Unutilized
Reason: Secured Area.

Bldg. S-73-1
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012120
Status: Unutilized
Reason: Secured Area.

Bldg. S-105
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012121
Status: Unutilized
Reason: Secured Area.

Bldg. J-210
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012122
Status: Unutilized
Reason: Secured Area.

Bldg. 509-1
Tooele Army Depot
North Area
Tooele, UT Co: Tooele

Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012123
Status: Unutilized
Reason: Secured Area.

Bldg. 511–1
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012124
Status: Unutilized
Reason: Secured Area.

Bldg. 514–1
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012125
Status: Unutilized
Reason: Secured Area.

Bldg. 523
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 Miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012126
Status: Unutilized
Reason: Secured Area.

Bldg. 526
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012127
Status: Unutilized
Reason: Secured Area.

Bldg. 528–A
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012128
Status: Unutilized
Reason: Secured Area.

Bldg. 529
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012129
Status: Unutilized
Reason: Secured Area.

Bldg. 530
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012130
Status: Unutilized
Reason: Secured Area.

Bldg. 533
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012131
Status: Unutiiized
Reason: Secured Area.

Bldg. 534
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012132
Status: Unutilized
Reason: Secured Area.

Bldg. 539
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012133
Status: Unutilized
Reason: Secured Area.

Bldg. 548
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012134
Status: Unutilized
Reason: Secured Area.

Bldg. 586
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012135
Status: Unutilized
Reason: Secured Area.

Bldg. 592
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012136
Status: Unutilized
Reason: Secured Area.

Bldg. 621–R
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012137
Status: Unutilized
Reason: Secured Area.

Bldg. 641–R
Tooele Army Depot
North Area
Tooele, UT Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012138
Status: Unutilized
Reason: Secured Area.

Bldg. 647–R
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012139
Status: Unutilized
Reason: Secured Area

Bldg. 661–R
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012140
Status: Unutilized
Reason: Secured Area

Bldg. 677–R
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy. 36
Landholding Agency: Army
Property Number: 219012141
Status: Unutilized
Reason: Secured Area

Bldg. 692
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy. 36
Landholding Agency: Army
Property Number: 219012142
Status: Underutilized
Reason: Secured Area

Bldg. 701
Tooele Army Depot
South Area
Tooele, UT, Co: Tooele
Location: 19 miles South of Tooele Army on St. Highway 36 and 73.
Landholding Agency: Army
Property Number: 219012143
Status: Underutilized
Reason: Secured Area

Bldg. 702
Tooele Army Depot
South Area
Tooele, UT, Co: Tooele
Location: 19 miles South of Tooele Army on St. Hwy. 36 and 73.
Landholding Agency: Army
Property Number: 219012144
Status: Underutilized
Reason: Secured Area

Bldg. 1242
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy. 36
Landholding Agency: Army

Property Number: 219012146
Status: Unutilized
Reason: Secured Area

Bldg. 1346
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Highway 36
Landholding Agency: Army
Property Number: 219012145
Status: Underutilized
Reason: Secured Area

Bldg. 1245
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy. 36
Landholding Agency: Army
Property Number: 219012147
Status: Underutilized
Reason: Secured Area

Bldg. 1251
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy. 36
Landholding Agency: Army
Property Number: 219012149
Status: Underutilized
Reason: Secured Area

Bldg. 1364
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Highway 36
Landholding Agency: Army
Property Number: 219012148
Status: Underutilized
Reason: Secured Area

Bldg. 1265
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy. 36
Landholding Agency: Army
Property Number: 219012150
Status: Unutilized
Reason: Secured Area

Bldg. 1267
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy. 36
Landholding Agency: Army
Property Number: 219012151
Status: Unutilized
Reason: Secured Area

Bldg. 1377
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012152
Status: Underutilized
Reason: Secured Area

Bldg. 1291
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy 36
Landholding Agency: Army
Property Number: 219012153
Status: Unutilized
Reason: Secured Area

Bldg. 1301
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy 36
Landholding Agency: Army
Property Number: 219012155
Status: Underutilized
Reason: Secured Area

Bldg. 1378
Tooele Army Depot
North Area Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012154
Status: Underutilized
Reason: Secured Area

Bldg. 1303
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy 36
Landholding Agency: Army
Property Number: 219012156
Status: Underutilized
Reason: Secured Area

Bldg. 1304
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy 36
Landholding Agency: Army
Property Number: 219012158
Status: Underutilized
Reason: Secured Area

Bldg. 1400
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on State Highway 36
Landholding Agency: Army
Property Number: 219012157
Status: Underutilized
Reason: Secured Area

Bldg. 1340–R
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy. 36
Landholding Agency: Army
Property Number: 219012160
Status: Underutilized
Reason: Secured Area

Bldg. 1345
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele
Location: 4 miles South of Tooele Army on St. Hwy 36
Landholding Agency: Army
Property Number: 219012161
Status: Underutilized
Reason: Secured Area

Bldg. S–1680
Tooele Army Depot
South Area
Tooele, UT, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012159
Status: Unutilized
Reason: Secured Area

Bldg. S–3102
Tooele Army Depot
South Area
Tooele, UT, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012162
Status: Unutilized
Reason: Secured Area

Bldg. S–4300
Tooele Army Depot
South Area
Tooele, UT, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012163
Status: Underutilized
Reason: Secured Area

Bldg. S–4533
Tooele Army Depot
South Area
Tooele, Ut, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012164
Status: Unutilized
Reason: Secured Area

Bldg. S–4542
Tooele Army Depot
South Area
Tooele, Ut, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012165
Status: Unutilized
Reason: Secured Area

Bldg. 4555
Tooele Army Depot
South Area
Tooele, Ut, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012166
Status: Unutilized
Reason: Secured Area

Bldg. S–5001
Tooele Army Depot
South Area
Tooele, Ut, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012167
Status: Unutilized
Reason: Secured Area

Bldg. 5010
Tooele Army Depot
South Area
Tooele, Ut, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012168
Status: Underutilized
Reason: Secured Area

Bldg. T–5011
Tooele Army Depot
South Area
Tooele, Ut, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012169
Status: Unutilized
Reason: Secured Area

Bldg. S–5103
Tooele Army Depot
South Area
Tooele, Ut, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012170
Status: Unutilized
Reason: Secured Area

Bldg. 5139
Tooele Army Depot
South Area
Tooele, Ut, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012171
Status: Underutilized
Reason: Secured Area

Bldg. S–8030
Tooele Army Depot
South Area
Tooele, Ut, Co: Tooele
Location: 19 miles South of Tooele City on State Highway 36 and 73
Landholding Agency: Army
Property Number: 219012172
Status: Unutilized
Reason: Secured Area

Virginia

Bldg. 611
Fixed Laundry Building—Fort Belvoir
Spengler Road
Fort Belvoir, VA, Co: Fairfax
Landholding Agency: Army
Property Number: 219012547
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material

Bldg. 616
R/D Administration Building
Lyman Loop
Fort Belvoir, VA, Co: Fairfax
Landholding Agency: Army
Property Number: 219012553
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material

Bldg. 620
R/D Administrative Building
Lyman Loop
Fort Belvoir, VA, Co: Fairfax
Landholding Agency: Army
Property Number: 219012556
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material

Bldg. 720
PM Administrative Building
Theote Road
Fort Belvoir, VA, Co: Fairfax
Landholding Agency: Army
Property Number: 219012557
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material

Bldg. 721
PM Administrative Building
Theote Road
Fort Belvoir, VA, Co: Fairfax
Landholding Agency: Army
Property Number: 219012558
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material

Bldg. 725
Fort Belvoir
Theote Road
Fort Belvoir, VA, Co: Fairfax
Landholding Agency: Army
Property Number: 219012560
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material

Bldg. 731
Fort Belvoir
Theote Road
Fort Belvoir, VA, Co: Fort Belvoir
Landholding Agency: Army
Property Number: 219012562
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material

Washington

Bldg. 57
Naval Supply Center Puget Sound
Manchester, WA, Co: Kitsap
Landholding Agency: Navy
Property Number: 779010091
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material Secured Area.

[FR Doc. 90–4597 Filed 3–1–90; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–030–00–4332–09] FES 90–6

Availability of Final Wilderness Environmental Impact Statement for the Whiskey Mountain and Dubois Badlands Wilderness Study Areas of the Lander Resource Area, Rawlins District, WY

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the Whiskey Mountain & Dubois Badlands Final Wilderness Environmental Impact Statement, Wyoming.

SUMMARY: The Whiskey Mountain & Dubois Badlands Final Wilderness Environmental Impact Statement (EIS) assesses the environmental consequences of managing two wilderness study areas as wilderness or nonwilderness. The alternatives assessed include: (1) A "No Wilderness Alternative," and (2) an "All Wilderness Alternative" for each wilderness study area.

The names of the wilderness study areas, their total acreage and the acreage recommended suitable and nonsuitable under the Proposed Action are as follows:

Whiskey Mountain—487 acres; 487 acres nonsuitable
Dubois Badlands—4,520 acres; 4,520 acres nonsuitable

The Bureau of Land Management wilderness proposals will ultimately be fowarded by the Secretary of the Interior to the President and by the President to Congress. The final decision on wilderness designation rests with Congress.

In any case, no action on these proposals can be taken by the Secretary of the Interior during the 30 days following the filing of this EIS. This complies with the Council of Environmental Quality Regulations, 40 CFR 1506.10b(2).

SUPPLEMENTARY INFORMATION: Copies of the environmental impact statement may be obtained from the District Manager, Bureau of Land Management, Rawlins District, P.O. Box 670, Rawlins, Wyoming 82301.

Copies are also available for inspection at the following location:

Department of the Interior, Bureau of Land Management, Office of Public Affairs, 18th and C Streets, NW. Washington, DC 20240
Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001
Bureau of Land Management, Rawlins District Office, 1300 N. 3rd. Street, Rawlins, Wyoming 82301
Bureau of Land Management, Lander Resource Area Office, 125 Sunflower, Lander, Wyoming 82520

FOR FURTHER INFORMATION CONTACT: Rick Colvin, EIS Team Leader, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301, (307) 324–7171.

Dated: February 21, 1990.

Jonathan P. Deason,

Director, Office of Environmental Affairs.

[FR Doc. 90–4505 Filed 3–1–90; 8:45 am]

BILLING CODE 4310–22–M

[AZ-040-00-4320-02]

Meeting for Safford District Grazing Advisory Board Meeting; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Land Management (BLM), Safford District announces a forthcoming meeting of the Safford District Grazing Advisory Board.

DATES: Friday, March 30, 1990, 9:00 a.m.

ADDRESSES: BLM Office, 425 E. 4th Street, Safford, Arizona 85546.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Law 92-463. The agenda for the meeting will include:

1. Safford District Resource Management Plan.
2. Bureau Vegetation Environmental Impact Statement.
3. District Animal Damage Control Plan and Environmental Analysis.
4. Time control grazing.
5. BLM management update.
6. Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10:00 a.m. and 11:00 a.m. A written copy of the oral statement may be required to be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th St., Safford, Arizona 85546, by 4:15 p.m., Thursday, March 29, 1990.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: February 3, 1990.

Ray A. Brady,

District Manager.

[FR Doc. 90-4778 Filed 3-1-90; 8:45 am]

BILLING CODE 4310-32-M

National Park Service

Martin Van Buren National Historic Site Kinderhook, NY; Public Review Period For Amendment to the 1986 Development Concept Plan/ Environmental Assessment

In accordance with the National Park Service Planning Guidelines in the preparation of Development Concept Plans and Environmental Assessments, notice is hereby given that the National Park Service is amending the 1986 Development Concept Plan/ Environmental Assessment for Martin Van Buren National Historic Site Park Operations and Visitor Facilities. A draft document, which contains a proposal for a new park operations and visitor service building, is available for review from the Superintendent beginning March 1, 1990. Comments on the draft document should be submitted in writing by March 30, 1990, to the Superintendent, Martin Van Buren National Historic Site, P.O. Box 545, Rt. 9H, Kinderhook, New York 12106. The National Park Service prepares Development Concept Plans to ensure adequate consideration of reasonable alternatives in advance of undertaking development proposals.

Dated: February 23, 1990.

John Guthrie,

Acting Regional Director.

[FR Doc. 90-4752 Filed 3-1-90; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Kerr-McGee Corporation, Kerr-McGee Center, P.O. Box 25861, Oklahoma City, Oklahoma 73125, Attention: Mr. J. R. Ragsdale.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Kerr-McGee Refining Corporation, a Delaware corporation, including Triangle Refineries, a Division thereof;

(ii) Kerr-McGee Chemical Corporation, a Delaware corporation;

(iii) Kerr-McGee Coal Corporation, a Delaware corporation;

(iv) Cato Oil and Grease Co., an Oklahoma corporation; and

(v) Southwestern Refining Company, Inc., a Delaware corporation.

Noreta R. McGee,

Secretary.

[FR Doc. 90-4831 Filed 3-1-90; 8:45 am]

BILLING CODE 6450-01-M

[No. 40371]

Gulf Central Pipeline Co; Petition for Declaratory Order

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of proceeding.

SUMMARY: Gulf Central Pipeline Company (GCP) filed a petition on December 29, 1989, seeking a declaratory order that this Commission has jurisdiction over the pipeline transportation of anhydrous ammonia. We find that this petition discloses a controversy sufficient to warrant a proceeding under 5 U.S.C. 554(e). We are, therefore, instituting such a proceeding.

DATES: Any person interested in participating in this proceeding as a party or record by filing and receiving written comments must file a notice of intent to do so by March 12, 1990. We will issue a service list of the parties of record shortly thereafter. Petitioner and any parties who have already submitted initial comments will have 10 days after service of the service list to serve each party on the list with a copy of their filing. Other initial written comments must be filed within 39 days after service of the service list. All parties will have 50 days after service of the service list to reply. The exact filing dates will be specified in the notice accompanying the service list. Comments must be served upon all parties of record.

ADDRESSES: An original and 10 copies of all notices of intent and comments must be sent to: Office of the Secretary, Case Control Branch, Attn: Docket No. 40371, Interstate Commerce Commission, Washington, DC 20423.

In addition, one copy of all comments must be sent to all parties of record.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245 [TDD for hearing impaired: (202) 275-1721.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721.]

Decided: February 22, 1990.

By the Commission, Chairman Gradison, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Noreta R. McGee,

Secretary

[FR Doc. 90-4830 Filed 3-1-90; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application From Toxi Lab, Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on October 26, 1989, Toxi Lab, Inc., 2 Goodyear, Irvine, California 92718 made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Ecgonine (Benzoylecgonine) (9180).

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 12, 1990.

Dated: February 20, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-4748 Filed 3-1-90; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act: Migrant and Seasonal Farmworker Programs; Proposed Planning Estimates

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed State planning estimates and allocation formula; request for comments.

SUMMARY: The Employment and Training Administration is publishing the proposed State planning estimates for Program Year 1990 (July 1, 1990–June 30, 1991) for the Job Training Partnership Act section 402 migrant and seasonal farmworker programs, the allocation formula, and the rationale used in arriving at the planning estimates.

DATES: Written comments on this notice are invited and must be received on or before April 2, 1990.

ADDRESSES: Written comments shall be submitted to Mr. Paul A. Mayrand, Director, Office of Special Targeted Programs, Employment and Training Administration, U.S. Department of Labor, Room N-4641, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Charles C. Kane, Chief, Division of Seasonal Farmworker Programs. Telephone: (202) 535-0500 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: As required by section 162 of the Job Training Partnership Act (JTPA), the Employment and Training Administration publishes for comment the proposed State planning estimates for migrant and seasonal farmworker programs in Program Year (PY) 1990 (July 1, 1990–June 30, 1991). JTPA section 402 grantees were selected for a two-year period on July 1, 1989. Since PY 1990 is the second year of the current two-year designation period, current grantees will be funded for PY 1990, unless the actions called for at 20 CFR 633.315 of the JTPA regulations (replacement, corrective action, termination) are appropriate. Applications, therefore, will not be accepted from other organizations.

Allocation Formula

JTPA authorizes an annual funding level equal to 3.2 percent of the amount available for part A of title II of the Act. Each year since 1987, Congress has provided additional funds to meet the demand for training and employment services, including services to agricultural workers who became eligible for the program as a result of the Immigration Reform and Control Act of 1986 (IRCA). For Fiscal Year (FY) 1990, after sequestration as required by the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings Act), and restoration as required by title IX of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239, 103 Stat. 2106, (December 19, 1989); see also Department of Labor Appropriations Act, 1990, Pub. L. 101-166, Title I, 103 Stat. 1150 (November 21, 1989)), Congress appropriated $69,047,000 for migrant and seasonal farmworker programs. This amount is an increase of $507,000 above the PY 1989 appropriation. The planning estimates reflect a hold-harmless provision to maintain the States' funding at no less than their FY 1989 levels.

The current State allocations were composed in the following manner:

(1) $57,322,000, the same amount as in FY 1989, was formula allocated using a distribution method based on Bureau of the Census data. This allocation method provides that all States which would receive less than $60,000 by application of the formula (Alaska, Rhode Island, and the District of Columbia) will receive no allotment, since the amount they would receive is deemed insufficient to effectively operate a program. Although the Department of Labor (Department) reserves the right not to allocate any funds for use in a State whose allocation is less than $120,000 in accordance with 20 CFR 633.105(b)(2), jurisdictions which would receive more than $60,000 but less than $120,000 (Delaware and New Hampshire) will be given an allocation of at least $120,000;

(2) The remainder, less a set-aside for the JTPA section 402 national account, was allocated using a two step procedure:

(a) $8,866,033 was formula allocated to all States using the same data as in FY 1989, i.e., a combination of Census and Immigration and Naturalization Service (INS) data, to hold them harmless at last year's level;

(b) $507,000 was allocated, using INS data through November 2, 1989, to twelve States (Arizona, California, Colorado, Florida, Georgia, Illinois, New Jersey, New York, North Carolina, Oregon, Texas, and Washington) whose share of Special Agricultural Worker applicants (8 U.S.C. 1160) was one percent or more of the national total of such applicants.

The Department views these allocation methods as a fair and reasonable approach to serving the currently eligible and the newly eligible legalized migrant and seasonal farmworkers resulting from the amnesty provisions of the IRCA, while assuring continuity of funding levels for all States.

Allotments

The allotments set forth in the appendix to this notice reflect the allocation methods described above. These allocation methods are applied to a total amount to be formula distributed of $66,695,033. This figure represents the appropriated Fiscal Year 1990 level of $69,047,000 reduced by $2,351,967, which is being held in the JTPA section 402

national account. The farmworker housing program and the Migrant Rest Center in Hope, Arkansas, will be funded from that account.

Signed at Washington, DC, this 15th day of February 1990.

Roberts T. Jones,

Assistant Secretary of Labor.

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION FY 1990 JTPA TITLE IV MSFW ALLOTMENTS TO STATES

[01-08-1990]

	FY 1989 Total	FY 1990 Total
Alabama	890,819	890,819
Alaska	0	0
Arizona	1,341,611	1,365,383
Arkansas	1,311,695	1,311,695
California	11,249,542	11,544,039
Colorado	851,985	857,239
Connecticut	213,629	213,629
Delaware	129,619	129,619
District of Columbia	0	0
Florida	4,348,418	4,397,910
Georgia	1,796,601	1,804,016
Hawaii	278,876	278,876
Idaho	944,459	944,459
Illinois	1,312,999	1,329,974
Indiana	875,629	875,629
Iowa	1,481,617	1,481,617
Kansas	767,429	767,429
Kentucky	1,534,344	1,534,344
Louisiana	896,585	896,585
Maine	370,445	370,445
Maryland	321,938	321,938
Massachusetts	338,359	338,359
Michigan	968,883	968,883
Minnesota	1,442,160	1,442,160
Mississippi	1,643,641	1,643,641
Missouri	1,237,716	1,237,716
Montana	756,934	756,934
Nebraska	865,511	865,511
Nevada	168,461	168,461
New Hampshire	127,664	127,664
New Jersey	328,326	334,513
New Mexico	578,290	578,290
New York	1,722,537	1,743,300
North Carolina	3,292,848	3,299,331
North Dakota	531,773	531,773
Ohio	1,019,389	1,019,389
Oklahoma	661,123	661,123
Oregon	1,051,823	1,062,501
Pennsylvania	1,343,813	1,343,813
Puerto Rico	3,302,448	3,302,448
Rhode Island	0	0
South Carolina	1,209,926	1,209,926
South Dakota	786,754	786,754
Tennessee	1,079,137	1,079,137
Texas	5,617,425	5,672,002
Utah	262,941	262,941
Vermont	241,980	241,980
Virginia	1,115,211	1,115,211
Washington	1,714,329	1,726,236
West Virginia	247,399	247,399
Wisconsin	1,386,070	1,386,070
Wyoming	226,922	226,922
Formula Total	66,188,033	66,695,033
TAA/Housing	2,351,967	2,351,967
National Total	68,540,000	69,047,000

[FR Doc. 90-4838 Filed 3-1-90; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determiantions in these decisions of prevailing rates for fringe benefits have been made in accordane with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the georgraphic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

Corrections to General Wage Determination Decisions

Pursuant to the provisions of the Regulations set forth in title 29 of the Code of Federal Regulations, part 1, § 1.6(d), the Administrator of the Wage and Hour Division may correct any wage determination that contains clerical errors.

Corrections being issued in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are indicated by Volume and are included immediately following the transmittal sheet(s) for the appropriate Volume(s).

Volume II

Wage Decision No. IL89-2, Modifications 1 through 3.
Wage Decision No. IL90-2, with no modifications.
Wage Decision No. WI88-4, Modificiation 3.
Wage Decision No. WI89-4, through Modification 1.
Wage Decision No. WI90-4, with no modifications.

Pursuant to the Regulations, 29 CFR part 1, § 1.6(d), such corrections shall be included in any bid specifications containing the wage determinations, or in any on-going contracts containing the wage determinations in question, retroactively to the start of construction.

New General Wage Determinations Decisions

The numbers of decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State and page numbers(s).

Volume I

Georgia:
GA90-36 ..... p. 280i, p. 280j.
GA90-37 ..... p. 280k, p. 280l.
GA90-38 ..... p. 280m, p. 280n.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

Maryland:
MD90-15 (Jan. 5, 1990) ..... p. 481, pp. 482-483.
New York:
NY90-7 (Jan. 5, 1990) ..... p. 797, p. 802.
NY90-17 (Jan. 5, 1990) ..... p. 881, p. 884.
West Virginia:
WV90-2 (Jan. 5, 1990) ..... p. 1391, pp. 1392-p. 1397, p. 1400, p. 1404, p. 1413.
WV90-3 (Jan. 5, 1990) ..... p. 1415, pp. 1416-p. 1419.

Volume II

Texas:
TX90-4 (Jan. 5, 1990) ..... p. 991, p. 992.
TX90-7 (Jan. 5, 1990) ..... p. 1001, p. 1003.

Volume III

None.....

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 23 day of 1990.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 90-4600 Filed 3-1-90; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-90-2-M]

Wingra Stone Co.; Petition for Modification of Application of Mandatory Safety Standard

Wingra Stone Company, P.O. Box 4284, Madison, Wisconsin 53711 has filed a petition to modify the application of 30 CFR 56.14130 (roll-over protective structures (ROPS) and seat belts) to its Plants No. 1, 2, 3 and 4 (I.D. No. 47-00963, 47-00407, 47-02802, and 47-02894) located in Dane County, Wisconsin. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that front-end loaders be equipped with roll-over protective structures (ROPS).

2. Petitioner would like to remove the ROPS from the dozers to reset the plants. Plants will be reset on level ground, and ROPS will be immediately reinstalled after plants are reset.

3. Petitioner is unable to get underneath the crushing plants with the ROPS on the feels that it is safer to remove the ROPS.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 2, 1990.

Copies of the petition are available for inspection at that address.

Dated: February 21, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-4839 Filed 3-1-90; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Science and Engineering Education; Renewal

The Assistant Director for Science and Engineering Education has determined that the renewal of the Advisory Committee for Science and Engineering Education is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Service Administration.

Authority for this Committee expires March 5, 1992 unless it is renewed.

Dated: February 27, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90-4846 Filed 3-1-90; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Biological, Behavioral, and Social Sciences; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee for biological, Behavioral, and Social Sciences (BBS).

Date and Time: March 19, 1990; 9:00 a.m. to 5:00 p.m., March 20, 1989; 9:00 a.m. to 12:00 p.m.

Place: March 19, Room 1243; March 20, Room 506, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Dr. Mary E. Clutter, Assistant Director, Biological, Behavioral, and Social Sciences, (202) 357-9854, Room 506, National Science Foundation, Washington, DC 20550.

Minutes: May be obtained from the contact person.

Purpose of Advisory Committee: The Advisory Committee for BBS provides advice, recommendations, and oversight concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BBS.

Agenda: Review Directorate long-range plans for FY 1992 and beyond.

Dated: February 27, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90-4847 Filed 3-1-90; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Licensing Support System Advisory Review Panel; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 94-463, 86 Stat. 770-776), that the Licensing Support System Advisory Review Panel (LSSARP) will hold a meeting on March 20 and 21, 1990. The meeting will convene at 9 a.m. on March 20, 1990, in the Fifth Floor Hearing Room, East West/West Towers Building, 4350 East West Highway, Bethesda, Maryland. The Nuclear Regulatory Commission established the LSSARP to provide advice and recommendations to the Nuclear Regulatory Commission and to the Department of Energy on topics, issues, and activities related to the design, development, and operation of an electronic information management system known as the Licensing Support System (LSS). This system is being designed to contain information relevant to the Commission's high-level waste licensing proceeding. In addition to routine administrative matters, the agenda for this meeting will include a presentation on the status of LSS development, a discussion of header information for LSS documents, and presentations on the experiences of other Federal agencies with automated information management systems by the Patent and Trademark Office, the National Archives and Records Administration, and the Securities and Exchange Commission.

The meeting will be open to the public. Interested persons may make oral presentations to the Panel or file written statements. Requests for oral presentations should be made to the contact person listed below as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for oral statements.

On the morning of March 21, 1990, the LSSARP will visit the U.S. Patent and Trademark Office at Crystal Park 2, room 916, 2121 Crystal Drive, Arlington, Virginia.

For further information regarding this meeting, contact Marilee Rood, Office of the LSS Administrator, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone 301-492-4003.

Dated at Rockville, Maryland, this 26th day of February 1990.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Chairman, LSS Advisory Review Panel.

[FR Doc. 90-4834 Filed 3-1-90; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on March 8-10, 1990, in Room P-110, 7920 Norfolk Avenue, Bethesda, Maryland. Notice of this meeting was published in the **Federal Register** on January 25, 1990. A session has been added on Friday, March 9, 1990, as follows.

Friday, March 9, 1990, Room P-110, 7920 Norfolk Avenue, Bethesda, Md.

1 p.m.-2 p.m. ACRS Subcommittee Activities—The Committee will hear and discuss reports regarding the status of assigned ACRS subcommittee activities.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 27, 1989 (54 FR 39594). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 301-492-8049), between 7:30 a.m. and 4:15 p.m.

Dated: February 26, 1990.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 90-4835 Filed 3-1-90; 8:45 am]

BILLING CODE 7590-01

Annual License Fees for Fiscal Year 1990 for Power Reactor Operating Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Notification of amount of annual fees for fiscal year 1990 for nuclear power reactor operating licenses.

SUMMARY: The Nuclear Regulatory Commission is revising the amount of the annual fees to be assessed during FY 1990 for nuclear power reactor operating licenses.

FOR FURTHER INFORMATION CONTACT: H. Lee Hiller, Deputy Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301/492-7351.

Background and Notice of Fees

On December 29, 1988, the Nuclear Regulatory Commission published a final rule which revised the fee schedules contained in 10 CFR parts 170 and 171. This regulation implemented the requirements of section 5601 of the Omnibus Budget Reconciliation Act of 1987 as signed into law on December 22, 1987 (Pub. L. 100-203). The law required the NRC to collect under 10 CFR parts 170 and 171, as well as other provisions of law, not less than 45 percent of the Commissions's budget for each of fiscal years 1988 and 1989. Congress, however, limited the 45 percent recovery provision only to fiscal years 1988 and 1989 after which the NRC's asuthority to collect fees reverted back to the level of 33 percent of the budget.

On August 31, 1989, the NRC published in the **Federal Register** (54 FR

36074) the annual fee for FY 1990 based on 33 percent of the budget of $475 million since, at that time, Congress had not amended the Public Law nor passed the NRC's final appropriation for FY 1990. Licensees were informed that when Congress passed the final appropriation the annual fee would be revised and the affected licensees notified pursuant to 10 CFR 171.13. On December 19, 1989, Congress passed Public Law 101-239 which amended the provisions of section 7601 of the Consolidted Omnibus Budget Reconciliation Act and increased, from 33 percent to 45 percent of the budget, the collection of user fees for FY 1990.

NRC estimates that in applying the 45 percent, approximately $195 million will be collected through user fees based on an approved final FY 1990 budget of $438.8 million. The $195 million collection total is estimated as follows: $115 million from part 171 annual fees; $57 million from part 170 licensing and inspection fees; and $23 million from the DOE Nuclear Waste Fund.

Notice is hereby given pursuant to 10 CFR 171.13 that the annual fees to be assessed for FY 1990 are those amounts shown in Table 1 below for each nuclear power operating license.

TABLE 1.—ANNUAL FEES FOR OPERATING POWER REACTORS

	Containment type	Annual fee
Westinghouse Reactors:		
1. Beaver Valley 1	PWR-Large Dry Containment.	$1,021,000
2. Beaver Valley 2	do	1,021,000
3. Braidwood 1	do	1,021,000
4. Braidwood 2	do	1,021,000
5. Byron 1	do	1,021,000
6. Byron 2	do	1,021,000
7. Callaway 1	do	1,021,000
8. Diablo Canyon 1	do	1,011,000
9. Diablo Canyon 2	do	1,011,000
10. Farley 1	do	1,021,000
11. Farley 2	do	1,021,000
12. Ginna	do	1,021,000
13. Haddam Neck	do	1,021,000
14. Harris 1	do	1,021,000
15. Indian Point 2	do	1,021,000
16. Indian Point 3	do	1,021,000
17. Kewaunee	do	1,021,000
18. Millstone 3	do	1,021,000
19. North Anna 1	do	1,021,000
20. North Anna 2	do	1,021,000
21. Point Beach 1	do	1,021,000
22. Point Beach 2	do	1,021,000
23. Prairie Island 1	do	1,021,000
24. Prairie Island 2	do	1,021,000
25. Robinson 2	do	1,021,000
26. Salem 1	do	1,021,000
27. Salem 2	do	1,021,000
28. San Onofre 1	do	1,011,000
29. Seabrook 1	do	1,021,000
30. South Texas 1	do	1,021,000
31. South Texas 2	do	1,021,000
32. Summer 1	do	1,021,000
33. Surry 1	do	1,021,000
34. Surry 2	do	1,021,000
35. Trojan	do	1,011,000
36. Turkey Point 3	do	1,021,000
37. Turkey Point 4	do	1,021,000
38. Vogtle 1	do	1,021,000
39. Vogtle 2	do	1,021,000
40. Wolf Creek 1	do	1,021,000
41. Zion 1	do	1,021,000
42. Zion 2	do	1,021,000
43. Catawba 1	PWR-Ice Condenser.	1,050,000
44. Catawba 2	do	1,050,000
45. Cook 1	do	1,050,000
46. Cook 2	do	1,050,000
47. McGuire 1	do	1,050,000
48. McGuire 2	do	1,050,000
49. Sequoyah 1	do	1,050,000
50. Sequoyah 2	do	1,050,000
Combustion Engineering Reactors:		
1. Arkansas 2	PWR-Large Dry Containment.	1,030,000
2. Calvert Cliffs 1	do	1,030,000
3. Calvert Cliffs 2	do	1,030,000
4. Ft. Calhoun 1	do	1,030,000
5. Maine Yankee	do	1,030,000
6. Millstone 2	do	1,030,000
7. Palisades	do	1,030,000
8. Palo Verde 1	do	1,020,000
9. Palo Verde 2	do	1,020,000
10. Palo Verde 3	do	1,020,000
11. San Onofre 2	do	1,020,000
12. San Onofre 3	do	1,020,000
13. St. Lucie 1	do	1,030,000
14. St. Lucie 2	do	1,030,000
15. Waterford 3	do	1,030,000
Babcock & Wilcox Reactors:		
1. Arkansas 1	PWR-Large Dry Containment.	1,088,000
2. Crystal River 3	do	1,088,000
3. Davis Besse 1	do	1,088,000
4. Oconee 1	do	1,088,000
5. Oconee 2	do	1,088,000
6. Oconee 3	do	1,088,000
7. Rancho Seco 1	do	1,076,000
8. Three Mile Island 1.	do	1,088,000
General Electric Reactors:		
1. Browns Ferry 1	Mark I	1,047,000
2. Browns Ferry 2	do	1,047,000
3. Browns Ferry 3	do	1,047,000
4. Brunswick 1	do	1,047,000
5. Brunswick 2	do	1,047,000
6. Clinton 1	Mark III	1,080,000
7. Cooper	Mark I	1,047,000
8. Dresden 2	do	1,047,000
9. Dresden 3	do	1,047,000
10. Duane Arnold	do	1,047,000
11. Fermi 2	do	1,047,000
12. Fitzpatrick	do	1,047,000
13. Grand Gulf 1	Mark III	1,080,000
14. Hatch 1	Mark I	1,047,000
15. Hatch 2	do	1,047,000
16. Hope Creek 1	do	1,047,000
17. LaSalle 1	Mark II	1,061,000
18. LaSalle 2	do	1,061,000
19. Limerick 1	do	1,061,000
20. Limerick 2	do	1,061,000
21. Millstone 1	Mark I	1,047,000
22. Monticello	do	1,047,000
23. Nine Mile Point 1.	do	1,047,000
24. Nine Mile Point 2.	Mark II	1,061,000
25. Oyster Creek	Mark I	1,047,000
26. Peach Bottom 2	do	1,047,000
27. Peach Bottom 3	do	1,047,000
28. Perry 1	Mark III	1,080,000
29. Pilgrim 1	Mark I	1,047,000
30. Quad Cities 1	do	1,047,000
31. Quad Cities 2	do	1,047,000
32. River Bend 1	Mark III	1,080,000
33. Shoreham	Mark II	1,061,000
34. Susquehanna 1	do	1,061,000
35. Susquehanna 2	do	1,061,000
36. Vermont Yankee	Mark I	1,047,000
37. Washington Nuclear 2.	Mark II	1,051,000
Other Reactors:		
1. Three Mile Island 2.	B&W-PWR-Dry Containment.	1,088,000
2. Big Rock Point	GE-Dry Containment.	1,022,000
3. Yankee Rowe	Westinghouse-PWR-Dry Containment.	1,021,000
4. Ft. St. Vrain	High Temperature Gas Cooled.	820,000

The "Other Reactors" listed above have not been included in the fee base since historically they have been granted either full or partial exemptions from the annual fees. The fees shown for these reactors are those fees for the particular type of reactor. No adjustments have been made based on size or particular circumstance of the reactor.

The above fees are applicable to FY 1990 and will be collected in accordance with 10 CFR part 171. The analysis used for determining the annual fees is available in the NRC Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC 20555, the Gelman Building.

Dated at Bethesda, MD, this 27th day of February, 1990.

For the Nuclear Regulatory Commission.

Ronald M. Scroggins,

Controller.

[FR Doc. 90-4836 Filed 3-1-90; 8:45 am]

BILLING CODE 4910-13-M

[Docket No. 50-244]

Rochester Gas & Electric Corp.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment

to Facility Operating License No. DPR–18, issued to Rochester Gas and Electric Corporation (the licensee), for operation of the R.E. Ginna Nuclear Power Plant located in Wayne County, New York.

The amendment would modify the Technical Specifications and allow use of reconstituted fuel assemblies in order to reduce coolant activity and utilize the remaining energy in fuel assemblies. In the reconstitution process, the fuel rods which are known to be defective will be removed and replaced with dummy rods, or not replaced leaving vacancies. The reconstituted assembly will meet the original assembly design criteria.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 2, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the Local Public Document Room located at the Rochester Public Library, 115 South Avenue, Rochester, New York. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 242–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Richard H. Wessman, Project Directorate I–3: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Earnest J. Ierardi, Esquire, Nixon, Hargrave, Devans and Doyle, Lincoln First Tower, P.O. Box 1051, Rochester, New York 14603.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(l) (i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards considerations in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated February 16, 1990, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Room, the Rochester Public Library, 115 South Avenue, Rochester, New York.

Dated at Rockville, Maryland, this 23rd day of February 1990.

For the Nuclear Regulatory Commission.

Allen Johnson,

Project Manager, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90–4837 Filed 3–1–90; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street, NW., Washington, DC 20549.

Approval; Revised Rule 52, Form U–6B–2, File No. 270–326.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for OMB approval existing Form U–6B–2 in connection with revised rule 52 under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a *et seq.*) ("Act"). Public-utility subsidiary companies of registered holding companies would be allowed, pursuant to revised rule 52, to issue and sell certain securities without filing an application, as now required, if certain conditions are met. Within ten days after the issue or sale of any security exempt under proposed Rule 52, the issuer or seller must file with the Commission a certificate of notification on Form U–6B–2 containing the information prescribed by that form. There are approximately 70 registered public-utility subsidiary companies that would be required to use Form U–6B–2, with an estimated compliance time of thirty minutes per applicant.

The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Management and Budget (Paperwork Reduction Project 3235–0163 (Form U–6B–2) and 3235–0369 (Rule 52), room 3208, New Executive Office Building, Washington, DC 20503.

Dated: February 21, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4759 Filed 3–1–90; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–27733; Filed No. SR–CBOE–90–02]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc.; Relating to Prorating Dues for Certain Special Memberships

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 13, 1990, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Exchange proposes to prorate its membership dues for special members for the quarter beginning April 1, 1990, as a result of the expiration of these special memberships on June 1, 1990. These special memberships were created as a condition of the CBOE's acquisition of the Midwest Options Exchange ("MSE") classes of options which were open for trading on the MSE as of May 30, 1980. These special memberships are only allowed to trade the pre-existing and replacement Midwest option classes for a period ending June 1, 1990.[1] Since June 1, 1990, is two-thirds of the way into the Exchange's quarterly membership dues billing cycle, the CBOE has determined to prorate the dues for these special memberships. Accordingly, under the proposed rule, special members will be charged two-thirds of the regular $500 quarterly dues ($333.33) for the quarter beginning April 1, 1990.

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder. In particular, the Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act, which provides that the rules of the Exchange are not to be designed to permit unfair discrimination between customers, issuers, brokers or dealers. Specifically, the Exchange believes that the proration of the dues for special members will eliminate any possible unfair discrimination which could arise under the current CBOE dues schedule as a result of the expiration of the special memberships.

As the foregoing rule change is concerned solely with the imposition by the CBOE or reasonable dues, fees and other charges among its members, it has become effective immediately pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 under the Act. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 23, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Dated: February 26, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4833 Filed 3–1–90; 8:45 am]

BILLING CODE 8010–01–M

[1] *See* Article II, section 2.1(d) of the CBOE Constitution.

[2] 17 CFR 200.30–3(a)(12) (1989).

[Release No. 34–27732; File No. SR–NASD–89–52]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Rules of Practice and Procedure for the Small Order Execution System

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that the National Association of

Securities Dealers, Inc. ("NASD" or "Association") filed on November 16, 1989, and amended on February 16, 1990, with the Securities and Exchange Commission ("Commission"), the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing a rule change for its Small Order Execution System ("SOES") that would prohibit market makers from entering agency orders into SOES in securities in which they make markets. The proposed rule change would also reiterate a market maker's obligation to obtain best execution for its customer orders.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries of the most significant aspects of such statements, set forth in Sections (A), (B), and (C) below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

SOES is designed to facilitate the efficient and economical execution and comparison of small, retail orders in NASDAQ securities. SOES is available only for retail customer orders of specified size limitations and the SOES Rules enumerate certain market maker and order entry participant obligations to ensure that SOES operates efficiently. The Association has in the past increased market maker obligations in SOES and as of June, 1988, participation by market makers in NASDAQ National Market System ("NMS") securities has been mandatory, with severe penalties for unexcused withdrawals. The NASD mandated market maker participation in NMS issues to increase liquidity in NMS securities and to prevent "fair-weather" market making, or market makers withdrawing from NASDAQ when the market experiences conditions of downward volatility. the NASD also enhanced SOES by continuing to execute trades through locked or crossed markets, thus providing an incentive to the market maker that locks or crosses another to adjust its prices to better reflect the prevailing market.

The proposed rule change is designed to enhance further a market maker's participation in SOES, by preventing another type of fair-weather market making. The proposed rule change will prohibit a market maker from receiving its own customer's order, reviewing it, deciding not to act as a market maker for that order, and sending it into SOES for an automatic execution on an order entry basis. The Association believes that this is an appropriate modification to the SOES rules because when an NASD member established itself as a market maker, it assumes certain responsibilities and obligations.

For a market maker with retail customers, one of those responsibilities is to fill its customer orders from its market making position. When market makers participate in SOES, whether voluntarily, as with regular NASDAQ securities, or as required for NASDAQ/NMS issues, they establish a willingness to have customer orders entered by order entry firms executed against them automatically, without the ability to review and reject a trade, up to the sizes prescribed in the SOES rules. SOES executions are automatic, systematized executions on a preferenced or rotating basis that require market makers to execute incoming orders of up to five times the maximum tier size level in an NMS issue. The more liquid and active market makers often enter an unlimited exposure indication into SOES so that they are potentially exposed to an unlimited number of executions if they are at the inside quote. The proposed rule change will therefore curtail the misuse of SOES by permitting entry into SOES of a competing market maker's customer orders only in locked and crossed market conditions, when a market maker will be permitted to submit its own customer orders into SOES on an agency basis so that the locking market maker will refresh its quotes, but will prohibit entry of agency orders at all other times by market makers in the securities in which they are registered.

The amendment to the rule change is intended to emphasize a market maker's continuing obligation to afford its customer the best execution available in the NASDAQ marketplace, even though an agency based SOES execution may not be permitted.

SOES was designed as an efficient and expedient method of automatically executing small agency orders at the best NASDAQ quote. Members, whether using SOES for their customer orders or not, are held to the standards of execution set out in the NASD Board of Governor's "Interpretation on Execution of Retail Transactions in the Over-the-Counter Market"

> In any transaction for or with a customer, a member and persons associated with a member shall use reasonable diligence to ascertain the best inter-dealer market for the subject security * * * under prevailing market conditions. Failure to exercise such diligence shall constitute conduct inconsistent with just and equitable principles of trade * * * *NASD Manual*, par. 2151.03

This interpretation makes it clear that a market maker owes its customer the best execution possible in prevailing market conditions, for trades executed through SOES or through traditional telephone negotiation. The amendment adds specific language to the proposed rule change to emphasize that a market maker's duty to its customer is in no way abridged by the unavailability of a SOES execution. The NASD believes that the proposed rule change, and the amendment regarding best execution, reinforce a market maker's obligation in the NASDAQ marketplace.

The statutory basis for the proposed rule change, as amended, is found in section 15A(b)(6) of the Securities Exchange Act of 1934. Section 15A(b)(6) requires, among other things, that the rulemaking initiatives of the NASD be designed to "foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market." The NASD believes that the proposed rule change, as amended, will further these ends and will promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Although the proposed rule change eliminates one means of executing an agency order, the Association believes that the market maker's ability to execute the order as principal, and the availability of alternate means of execution, such as traditional telephone negotiation or newer developments such as the Order Confirmation Transaction service ("OCT") or the Advanced Computerized

Execution System ("ACES"), provides ample opportunity for execution of the order. The NASD is proposing to curtail the availability of an automatic SOES execution for a competing market maker's customer order, and believes that this action is appropriate and not unduly anti-competitive.

C. Self-Regulatory Organization's Statement on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 23, 1990.

For the Commission, by the Divsion of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: February 26, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-4753 Filed 3-1-90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27731; File No. SR-NASD-90-8]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Interim Criteria for Inclusion of Securities in the NASDAQ System

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 15, 1990 the National Association for Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed change imposes more stringent criteria for initial inclusion of securities in the NASDAQ system on an interim basis pending consideration of new permanent criteria by the NASD Board of Governors. The following is the full text of the NASD's proposed rule change:

Interim Criteria For Initial Inclusion in the NASDAQ System

The NASD has determined that in order to protect investors and the public interest, the following criteria for initial inclusion of securities in the NASDAQ system shall be imposed on an interim basis in addition to or in lieu of the criteria set forth in part II, sections 1 and 2 to Schedule D of the NASD By-Laws.

1. The issuer shall have total assets of $4 million.

2. The issuer shall have capital and surplus of $2 million.

3. In the case of common stock, there shall be at least 300,000 publicly held shares.

4. The minimum price per share shall be not less than three dollars ($3.00).

5. The issuer shall have a minimum of four market makers.

The foregoing criteria shall be applicable to the initial inclusion of all issuers making application for quotation in the NASDAQ System after approval of such criteria by the Securities and Exchange Commission until such time as the NASD has adopted and the SEC has approved permanent changes to the NASDAQ inclusion standards. In addition, issuers that make application and are authorized for NASDAQ inclusion on or after February 15, 1990 but prior to approval of the interim standards by the Securities and Exchange Commission shall be required to demonstrate compliance with the interim standards within 90 days of Commission approval or shall be removed from the system.

An application for NASDAQ inclusion filed prior to February 15, 1990 shall be deemed to have been withdrawn and a new application will be required if the issuer has not entered the NASDAQ system within 90 days of Commission approval of the interim criteria.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change was adopted pursuant to Article VII section 1(a)(6) of the NASD By-Laws and section 3(a)(3) of part II of Schedule D to the NASD By/Laws. That section permits the Association to apply more stringent criteria for inclusion of securities in the NASDAQ system if the Association deems it necessary to protect investors and the public interest.

By letter dated January 10, 1990, relating to Exchange Act Rule 15c2-6, the Commission's Division of Market Regulation expressed concerns that certain promoters might attempt to circumvent the requirements of the Rule by seeking NASDAQ authorization. The staff stated that, in providing an exclusion of NASDAQ securities from the application of Rule 15c2-6, the Commission was relying on the NASD's ability to authorize for quotation "only legitimate companies whose quotation on the NASDAQ system would be in the public interest." The letter further stated that the NASD should assure itself "of

the *bona fides* of the company and its past trading market."

In response to the effectiveness of Rule 15c2–6 and to the Division's letter, the NASD staff has undertaken an analysis of the initial inclusion criteria for NASDAQ to ensure that the financial and market requirements continue to adequately and appropriately serve the public interest. Proposals for modification and the NASDAQ inclusion criteria will be considered by a number of NASD Committees and by the Board of Governors at its March 1990 meeting. The Association believes, however, that it would be contrary to the public interest and the protection of investors and inconsistent with the intent of the Division's January 10th letter to provide issuers which are unlikely to meet criteria which may be adopted by the Board at its March meeting the ability to enter the NASDAQ system until such criteria are ultimately approved by the Commission and thereby avoid compliance with Rule 15c2–6. Likewise, the Association does not believe that it would be in the interest of the investing public to allow issuers to enter the NASDAQ system with a substantial likelihood that their securities will be ineligible for continued inclusion upon resolution of this issue by the NASD Board. The interim criteria will not impact issuers having securities that are currently included in NASDAQ. Rather, the requirements will be fully applicable only to issuers making application for NASDAQ inclusion after the approval of this rule change. In addition, those issuers which make application for inclusion in NASDAQ after the date of this filing and enter the system prior to Commission approval would have a period of ninety (90) days subsequent thereto during which to achieve compliance with the interim standards. Finally, in order to eliminate the possibility of what would be effectively a perpetual "grandfathering" of a dormant application, the proposed rule change would treat a pre-February 15 application as withdrawn if the security does not enter the NASDAQ system within ninety (90) days of Commission approval of the proposed rule change.

The NASD believes that the proposed rule changes are consistent with the provisions of section 15A(b)(6) of the Act in that it will further the purposes of the Commission in adopting Rule 15c2–6 and will act to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association believes that this rule change does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approve such proposed rule change, or;

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–90–8 and should be submitted by March 23, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: February 23, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4754 Filed 3–1–90; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–27730; File No. SR–PHLX–89–56]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to the Execution of Three-way Orders for Foreign Currency Options

On December 4, 1989, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to permit three-way orders for foreign currency options to be executed at a total credit or debit.

The proposed rule change was published for comment in Securities Exchange Act Release No. 27559 (December 21, 1989), 54 FR 53411 (December 28, 1989). No comments were received on the proposed rule change.

The Exchange proposes to add a new paragraph (e) to PHLX Rule 1033 that would permit three-way orders for foreign currency options to be executed with one other market participant at a total credit or debit. To be eligible for execution under the proposed rule, at least one of the individual legs to the three-way order must be effected at a price inside the market for that particular series and the other two legs must be effected at prices equal to or better than the quoted market for their respective series. The proposed rule defines three-way orders as including spread, straddle and combination orders of three individual series in the same foreign currency option class where the order size for each of the three individual series are equal to each other, or the combined order size of any two series on the same side of the market is either equal to the order size of the third series or differs from the order size of the third series by a ratio which is acceptable for the entry of ratio spread, straddle and combination orders pursuant to Exchange Rule 1066, Commentary .02.

The Exchange believes that the proposed rule will allow three-way orders in foreign currency options to be executed more efficiently. Under current Exchange rules, three-way orders must be effected by multiple transactions, which, according to the PHLX, makes the execution of these trades more difficult, time consuming, and risky.

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1989).

Accordingly, the PHLX believes that the proposed rule allows the Exchange to respond more effectively to the competitive requirements of the foreign currency options markets by providing for more ready execution of three-way orders.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6. Specifically, the Commission finds that the proposed rule change is consistent with section 6(b)(5) in that it will perfect the mechanism of a free and open market by enabling three-way orders for foreign currency options to be more efficiently executed. The foreign currency options market is primarily an institutional market with customers and market participants often using complex options orders. The proposed rule change will provide a more certain means of executing some of these complex orders.

In addition, the Commission does not believe it is inconsistent with Act to allow some legs of multiple-part orders to be executed at prices equal to the quoted market for their respective series, thereby taking priority over their superior orders in the crowd or resting in the limit order book. First, the individual legs are part of a larger, interrelated multiple-part order, which, by virtue of the proposed rule, must have one leg executed at a price better than the quoted market for that series. Second, unless investors are able to execute simultaneously all legs of their multiple-part options order, which orders rely heavily on the total debit or credit at which they are executed, they will be exposed to substantial risk due to the uncertainty of getting all the legs of their orders executed at favorable prices, if at all. Third, there generally are few orders on the limit order book for foreign currency options, which means that few customer book orders will be bypassed.

In sum, the Commission believes that the proposed rule, like others involving multiple-part options orders which have been adopted by the PHLX for foreign currency options,[3] will allow investors to engage more readily in certain options strategies such as spreads and straddles, thereby contributing to the maintenance of a free and open market and enhancing liquidity.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[4] that the proposed rule change (SR–PHLX–89–56) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Dated: February 23, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4755 Filed 3–1–90; 8:45 am]

BILLING CODE 8010–01–M

[3] PHLX Rule 1033(d).

[4] 15 U.S.C. 78s(b)(2) (1982).

[File No. 1–9524]

Issuer Delisting; Application to Withdraw from Listing and Registration; Burnham Pacific Properties, Inc., Common Stock, No Par Value

February 26, 1990.

Burnham Pacific Properties, Inc. ("Company"), has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–2(d) promulgated thereunder to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("AMEX").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company's common stock recently was listed on the New York Stock Exchange ("NYSE"). Trading in the Company's stock on the NYSE commenced on February 14, 1990. In making the decision to withdraw its common stock from listing on the AMEX, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and the AMEX. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before March 19, 1990, submit by letter to the Secretary of the Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4756 Filed 3–1–90; 8:45 am]

BILLING CODE 8010–01–M

[5] 17 CFR 200.30–3(a)(12) (1989).

[Rel. No. IC–17356; File No. 812–7394]

Monarch Life Insurance Company, et al.

February 23, 1990.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Monarch Life Insurance Company ("Monarch"), Benham Variable Account of Monarch Life Insurance Company ("Benham Account"), Variable Account B of Monarch Life Insurance Company ("Variable Account B"), and Monarch Financial Services, Inc. ("MFSI").

RELEVANT 1940 ACT SECTIONS: Exemption requested under Section 17(b) from Section 17(a) and approval requested under Section 26(b).

SUMMARY OF APPLICATION: Applicants seek an order (1) permitting the transfer of the investment base of the Benham Account to Variable Account B and (2) approving the substitution of securities of the Oppenheimer Variable Account Funds and the Oppenheimer Zero Coupon U.S. Treasuries Trust, Series A through E for shares of the Benham Variable Insurance Series Trust.

FILING DATE: The application was filed on September 20, 1989 and amended on November 16, 1989.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered the application will be granted. Any interested person may request a hearing on the application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on March 20, 1990. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personnally or by mail, and also send a copy to the Secretary of the SEC, along with proof of service by affidavit or, in the case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, Monarch Life Insurance Company, One Monarch Place, Springfield, Massachusetts 01133.

FOR FURTHER INFORMATION CONTACT: Michael V. Wible, Staff Attorney, at (202) 272–2026, or Heidi Stam, Special Counsel, at (202) 272–2060 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 253–4300).

Applicants' Representations

1. Monarch is a stock life insurance company organized under Massachusetts law. Monarch established the Benham Account as a separate investment account on December 17, 1986 to fund certain variable life insurance policies. The Benham Account is organized and registered under the 1940 Act as a unit investment trust and consists of eight investment divisions, each of which invests in a corresponding series of the Benham Variable Insurance Series Trust (the "Benham Trust"). Approximately 195 flexible premium variable life insurance policies (the "Benham Policies") have been issued through the Benham Account.

2. The Benham Policies have been issued in two versions: one covering a single insured and the other covering joint insureds. Policies issued since August 22, 1988 include a fixed account option. Benham Policies issued prior to 1989 and underwritten on a simplified basis specify guaranteed cost of insurance rates based on the 1980 Commissioners Extended Term Table ("1980 CET Table"). Policies issued since January, 1989, regardless of the underwriting method used, guarantee cost of insurance rates based on the 1980 Commissioners' Standard Ordinary Table ("1980 CSO Table"). The Benham Policies permit contractowners to allocate their premiums and investment base among up to five divisions, including the eight divisions of the Benham Account and the fixed account option. Contractowners may change the allocation of their investment base at any time. Currently, there is no limit to the number of allocation changes permitted, but Monarch reserves the right to limit the number of changes permitted, but not to less than five per policy year. There is no charge for allocation changes under the Benham Policies.

3. Monarch established Variable Account B as a separate investment account on August 9, 1984 to fund certain flexible premium variable life insurance policies. Variable Account B is organized and registered under the 1940 Act as a unit investment trust and consists of twenty-two investment divisions, of which six invest in corresponding portfolios of Oppenheimer Variable Account Funds (the "Oppenheimer Fund") and of which 16 invest in corresponding portfolios of Oppenheimer Zero Coupon U.S. Treasuries Trust, Series A through E (the "Oppenheimer Zero Trust"). Three different classes of policies have been issued through Variable Account B. However, the only policies currently being issued through Variable Account B are certain flexible premium variable life insurance policies (the "B Policies") which are virtually identical to the Benham Policies in terms of their design except that the underlying investment vehicles differ and the B Policies reflect different advisory fees and expenses. Also, under the B Policy an additional asset-based charge of .34% annually, called the "trust charge," is deducted from the assets of Variable Account B divisions investing in portfolios of the Oppenheimer Zero Trust. Because it is a unit investment trust, the Oppenheimer Zero Trust does not incur advisory management fees like the portfolios of the Benham Trust investing in zero-coupon securities. The advisory fees for the Benham Trust, the Oppenheimer Funds and the Oppenheimer Treasuries Trust are as follows:

ADVISORY FEES

Benham Trust	Oppenheimer Funds (percent)	Oppenheimer Treasuries Trust (percent)
.50–.25% (zero coupon fee-.35%)	.45–.62	0

4. MFSI is the principal underwriter for the Benham Account and for Variable Account B. MFSI entered into distribution agreements with Benham Distributors, Inc. ("Benham Distributors") and Western Capital Financial Group ("Western Capital") for the distribution of the Benham Policies. By May 1989, Benham Distributors and Western Capital ceased distribution of the Benham Policies. No other broker-dealer is currently distributing the Benham Policies.

5. The Benham Trust is registered under the 1940 Act as an open-end management investment company of the series type. The Benham Trust offers its shares to corresponding divisions of the Benham Account. The Benham Trust has eight portfolios: the U.S. Government and High Quality Money Market Portfolio, the U.S. Government and High Quality Income Portfolio, three U.S. Government Zero-Coupon Portfolios (1995, 2000 and 2005), the Equity Index Portfolio, the Asset Allocation Portfolio, and the Natural Resources Portfolio. Benham Management Corporation ("BMC") is the investment adviser to the Benham Trust. BMC is an affiliate of Benham Distributors. Wells Fargo Investment Advisors serves as sub-investment adviser to one of the Benham Trust's portfolios and State Street Bank and Trust Company serves as sub-investment adviser to two of the portfolios. Neither Monarch nor the Benham Account are affiliates of Benham Distributors, BMC, the Benham Trust, Western Capital, or either of the sub-advisers.

6. The Oppenheimer Fund is registered under the 1940 Act as an open-end management investment company of the series type. The Oppenheimer Fund offers its shares to corresponding divisions of Variable Account B. The Oppenheimer Fund has six portfolios: Oppenheimer Money Fund, Oppenheimer High Income Fund, Oppenheimer Bond Fund, Oppenheimer Capital Appreciation Fund, Oppenheimer Growth Fund, and Oppenheimer Multiple Strategies Fund.

7. The Oppenheimer Zero Trust is registered with the Commission as a unit investment trust and offers its shares to corresponding divisions of Variable Account B. The Oppenheimer Zero Trust has sixteen portfolios (1990 through 1999, 2000 and 2005 through 2009).

8. On May 12, 1989, upon BMC's recommendation, the trustees of the Benham Trust determined that the Benham Trust should discontinue offering shares of its portfolios to the extent practicable and that the Trust should be terminated in due course. In making this decision, the trustees considered several factors, including asset growth substantially below expectations, notification by a sub-investment adviser for the Benham Trust that it was not willing to serve as a sub-adviser at current asset levels absent a substantial increase in its fee, and the lack of assurance that BMC or the sub-advisers to the Benham Trust would have economic incentive to continue to serve in their current capacities for the Benham Trust. The trustees then notified Monarch of their determination. Notice was also provided to contractowners.

9. In view of these events, Monarch must provide a replacement investment

vehicle for the Benham Account. Monarch proposes to replace the Benham Trust with the Oppenheimer Fund and Oppenheimer Zero Trust (together, the "Oppenheimer Portfolios"). Monarch intends to effect this replacement by transferring contractowner investment base from the Benham Account to Variable Account B as of the close of business on a date to be selected later (the "Transfer Date"). Contractowners will be given the opportunity to designate their allocations among Variable Account B divisions to be effected on the Transfer Date. Monarch will notify contractowners approximately 20 days before the Transfer Date and provide them with a special reallocation form for designating their allocations among all twenty-two Variable Account B divisions to take effect as of the Transfer Date. In the absence of contractowner Transfer Date reallocation instructions, Applicants will transfer contractowner investment base in divisions of the Benham Account invested in portfolios of the Benham Trust to the divisions of Variable Account B invested in the Oppenheimer Portfolios as follows:

Benham Trust Portfolio	Oppenheimer Portfolio
U.S. Government and High Quality Money Market Portfolio.	Oppenheimer Money Fund.
U.S. Government and High Quality Income Portfolio.	Oppenheimer Bond Fund.
U.S. Government Zero-Coupon Portfolio-1995.	Oppenheimer Zero Coupon U.S. Treasuries Trust, Series A—1995.
U.S. Government Zero-Coupon Portfolio-2000.	Oppenheimer Zero Coupon U.S. Treasuries Trust, Series A—2000.
U.S. Government Zero-Coupon Portfolio-2005.	Oppenheimer Zero Coupon U.S. Treasuries Trust, SeriesA—2005.
Equity Index Portfolio.....	Oppenheimer Growth Fund.
Asset Allocation Portfolio..	Oppenheimer Multiple Strategies Fund.
Natural Resources Portfolio.	Oppenheimer Capital Appreciation Fund.

In due course, Monarch will deregister the Benham Account.

10. All contractowners will be notified of the proposed transfer through a new prospectus for the Benham Account. The new prospectus will also inform contractowners that they will have the opportunity to designate their investment base allocations among Variable Account B divisions and will specify the Variable Account B divisions to which Applicants will transfer contractowner investment base in the absence of contractowner instructions. The new Benham prospectus will be accompanied by the current prospectus for the Oppenheimer Portfolios. The prospectus for the Oppenheimer Funds will disclose the investment advisory fees and expenses deducted from the portfolios of the Oppenheimer Funds, and the expense limitation arrangements applicable to the Oppenheimer Funds. At the time contractowners are first notified of the proposed transfer, Monarch will also modify those Benham Policies specifying 1980 CET Table cost of insurance rates to substitute cost of insurance rates based on the 1980 CSO Tables. Monarch will also add a fixed account option to those Benham Policies currently lacking that option. Otherwise, the rights of contractowners and the obligations of Monarch under the Benham Policies will not change or be altered in any way.

11. The transfer will take place at simple relative net asset value with no change in the amount of any contractowner's cash value or in the dollar value of his or her investment in a variable account or underlying portfolio. No charges or fees will be assessed against contractowners in connection with the transfer, nor will the contractowners bear any of the expenses of the transfer. Also, the transfer will impose no federal income tax liability on contractowners.

12. Because the Benham Account and Variable Account B may be deemed to be under the common control of Monarch, and therefore be deemed to be affiliates, and the transfer of investment base from the Benham Account to Variable Account B may be deemed to be a purchase or sale transaction between an investment company and an affiliated person, Applicants request that the Commission issue an order pursuant to section 17(b) of the 1940 Act to the extent necessary to exempt from section 17(a) of the Act the proposed transfer of contractowner investment base from the Benham Account to Variable Account B.

13. Applicants represent that the terms of the proposed transfer, including the consideration to be paid or received, are reasonable and fair. Applicants assert that the investment objectives, policies, restrictions and portfolios of the corresponding divisions of the Benham Account and Variable Account B will be compatible; that the transfer will be effected at the relative net asset values of the divisions involved in conformity with section 22(c) of the 1940 Act and Rule 22c–1 thereunder; that the transfer will not result in any change in charges, costs, fees or expenses borne by contractowners; that neither the variable account nor their contractowners will bear any of the direct or indirect costs of the transaction; and that there will be no dilution in values under policies issued by the variable accounts.

14. Applicants also assert that the transfer does not involve overreaching on the part of any person concerned. The purpose of the transfer is to replace the Benham Trust with new investment vehicles and to aggregate the Benham Policies with other like policies currently investing in those investment vehicles. This aggregation will allow for administrative efficiencies and cost savings on Monarch's part, and contractowner participation in a sizable separate account with further growth potential, as well as possible enhancement of the Benham Policies as B Policies are enhanced.

15. Applicants represent that the proposed transfer is consistent with the investment policies of the variable accounts, and that the possibility of transfers such as the transfer here proposed was disclosed in registration statements for the Policies and the registration statements for the Benham Account and Variable Account B. Applicants further represent that the proposed transfer is consistent with the purposes and policies of the 1940 Act.

16. Applicants request that the Commission issue an order pursuant to section 26(b) of the 1940 Act to the extent necessary to approve the substitution of shares of eight designated Oppenheimer Portfolios for shares of the eight portfolios of the Benham Trust. This substitution may be deemed to occur as a result of the transfer of contractowner investment base, for which Applicants have not received Transfer Date reallocation instructions, from the Benham Account to divisions of Variable Account B investing in the designated Oppenheimer Portfolios.

17. The Benham Policies reserve to Monarch the right, subject to Commission approval, to substitute shares of another investment company for shares of any investment company held by a division of the Benham Account and to transfer assets attributable to a class of policies from one variable account to another. Monarch reserved this right of substitution and transfer to protect itself and its contractowners in precisely the type of circumstances it faces now: unilateral election (for any reason) to cease operations by a management investment company in which the Benham Account invests.

18. Applicants submit that the investment objectives of the Oppenheimer Portfolios make them suitable and appropriate as investment vehicles for contractowners currently invested in the Benham Trust. The U.S. Government and High Quality Money Market Portfolio of the Benham Trust has investment objectives that are substantially identical to its Oppenheimer Portfolio substitute. The U.S. Government and High Quality Income Portfolio and the Oppenheimer Bond Fund share very similar investment objectives. The form and operation of the Oppenheimer Zero Trust portfolios differ from the three Benham Trust zero portfolios: the Oppenheimer Zero Trust portfolios are series of a unit investment trust, rather than a mutual fund, and are not actively managed as are the Benham Trust zero portfolios. Nonetheless, Applicants submit that the Oppenheimer Zero Trust portfolios should be viewed as comparable because they have the same maturity and essentially the same investment objective—returning to investors a dollar amount predictable at the time of the investment, on a specific target date—as the Benham Trust zero portfolios. The Equity Index Portfolio and its proposed Oppenheimer Portfolio substitute have investment objectives that are compatible. The Asset Allocation Portfolio and its proposed Oppenheimer Portfolio substitute, though their investment objectives may not be compatible, purse their objectives by investing in the same general types of securities. Although the Oppenheimer Portfolios offer no counterpart for the Benham Trust Natural Resources Portfolio, Applicants submit that the Oppenheimer Capital Appreciation Fund shares the same investment objective, investment in stocks with prospects for long-term growth, and therefore is a suitable substitute. Additionally, Applicants assert that the portfolios of the Oppenheimer Fund proposed for substitution have lower expense ratios than their counterparts in the Benham Trust, even taking into account the Benham Trust's current expense reimbursement arrangements. Since the portfolios of the Oppenheimer Zero Trust do not incur advisory fees, there is no expense ration to compare to the Benham Trust zero portfolios. To the extent comparable, the trust charge for divisions investing in the Oppenheimer Zero Trust is substantially less than the expense ratio for the Benham Trust zero portfolios.

19. In further support of the proposed substitution, Applicants assert that contractowners may exercise their own judgment as to the most appropriate type of investment portfolio option. Contractowners will be given the opportunity to determine the allocation of their investment base among Variable Account B divisions, and Applicants are seeking relief for the substitution only to the extent contractowners choose not to designate their reallocations as of the Transfer Date. At any time after the Transfer Date contractowners may reallocate their investment base among Variable Account B divisions without any cost or other disadvantage. Moreover, the Applicants submit that the Oppenheimer Portfolios offer an additional fourteen portfolios, thereby providing a wider choice of investment options than has been available in the Benham Trust.

20. Applicants claim the proposed substitution will not result in the type of costly forced redemption that section 26(b) was intended to guard against. No additional sales loads will be deducted beyond those already provided for in the Benham Policies, and the substitution will be effected at relative net asset value without the imposition of any transfer or other charges. Moreover, none of the expenses incurred in connection with the proposed substitution, including legal, accounting and other fees and expenses, will be borne by the Benham Account or contractowners. In addition, the proposed substitution will not impose any federal income tax liability on contractowners.

21. For all the reasons stated above, the proposed transfer and substitution are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-4758 Filed 3-1-90; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7472]

Issuer Delisting; Application to Withdraw from Listing Paysaver Catalog/Showrooms, Inc., Common Stock, $.03 1/3 Par Value

February 26, 1990.

Paysaver Catalog/Showrooms, Inc. ("Company"), has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder to withdraw the above specified security from listing and registration on the Boston Stock Exchange ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

On December 29, 1989, the Company announced that its Board of Directors had voted to terminate the Company's operations effective on that date and to cause a liquidation of all of its assets and property by making an assignment for the benefit of creditors. The Company took this action in response to the substantial losses suffered by the Company in recent months, primarily because of a significant downturn in sales.

Any interested person may, on or before March 19, 1990, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-4757 Filed 3-1-90; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974; System of Records

The Department of Transportation (DOT) herewith publishes a proposal to alter a system of records.

Any person or agency may submit written comments on the proposed altered system to the U.S. Coast Guard (G-PDE), Attn: Chief Warrant Officer Robin Ouellette, 2100 Second Street, SW., Washington, DC 20593-0001. Comments must be received within 30 days to be considered.

If no comments are received, the proposed changes will become effective 30 days from the date of issuance. If comments are received, the comments will be considered and where adopted,

the document will be republished with the changes.

Issued in Washington, DC, February 23, 1990.

Jon H. Seymour,

Assistant Secretary for Administration.

Narrative Statement Department of Transportation Office of the Secretary On Behalf of the United States Coast Guard For Alteration of the Physical Disability Separation System

The Office of the Secretary, on behalf of the Coast Guard, proposes to amend the Physical Disability Separation System, DOT/CG–571, to cover all records maintained by the Coast Guard pertaining to the Physical Disability Separation System for Coast Guard active duty personnel and Coast Guard personnel separated or retired for physical disability.

The purpose of this notice is to revise the system's location from the Office of Health Services to the Office of Personnel and Training. This action will allow the Office of Personnel and Training to continue performance of official duties.

The changes include amendment to: System location, policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system, and system manager and address.

The probable or potential effect of this proposal on the privacy of the general public is minimal in that this proposal announces the relocating of the system of records within Coast Guard Headquarters.

A description of the steps taken by the Department to safeguard these records is given under the appropriate heading in the attached Federal Register system of records notice.

The purpose of this report is to comply with the Office of Management and Budget Circular, A–130, Appendix I, dated December 12, 1985.

DOT/CG 571

SYSTEM NAME:

Physical Disability Separation System.

SYSTEM LOCATION:

Commandant (G–PDE), U.S. Coast Guard, 2100 2nd St. SW., Washington, DC 20593–0001

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USCG active duty personnel and USCG personnel separated or retired for physical disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Central Physical Evaluation Board files.

b. Formal Physical Evaluation Board files.

c. Physical Review Council files.

d. Physical Disability Appeal Board files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Coast Guard officials in connection with physical disability separation and retirement proceedings.

b. Department of Veterans Affairs for assistance in determining the eligibility of individuals for benefits administered by that agency and available to U.S. Public Health Service or Department of Defense medical personnel in connection with the performance of their official duties.

c. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved through indices and cross indices of all individuals and relevant physical disability(ies) data. Types of indices used include, but are not limited to: Name, social security number, and the diagnosis or International Classification of Diseases (ICD) code.

SAFEGUARDS:

Records are maintained in locked filing equipment in controlled access rooms. Records are accessible only to authorized personnel. Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Retained 2 years after disposition then transferred to Federal Records Center, St. Louis, Missouri.

SYSTEM MANAGER AND ADDRESS:

Chief, Office of Personnel and Training (G–P), Department of Transportation, United States Coast Guard, 2100 2nd St. SW., Washington, DC 20593–0001

NOTIFICATION PROCEDURE:

Notarized written requests should contain the full name and social security number of the member and be addressed to Commandant (G–TIS), U.S. Coast Guard, 2100 2nd St. SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure.

RECORD SOURCE CATEGORIES:

Information in records developed through proceedings of administrative bodies listed in categories of records in the system.

[FR Doc. 90–4804 Filed 3–1–90; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Airport Capacity Funding Advisory Committee; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Airport Capacity Funding Advisory Committee Meeting.

SUMMARY: Notice is hereby given of a meeting of the Airport Capacity Funding Advisory Committee.

DATES: The meeting will be held March 15, 1990, from 9 a.m. to noon and 1 p.m. to 4 p.m.; and on March 16, from 9 a.m. to noon.

ADDRESSES: The meeting will be held in room 10200, DOT Building, 400 7th St., SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: The Office of Aviation Policy and Plans (APO), 800 Independence Avenue, SW., Washington, DC 20591, telephone 202–267–3208.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II, notice is hereby given of a meeting of the Airport Capacity Funding Advisory Committee to be held March 15 and 16, 1990, in room 10200, DOT Building, 400 7th St., SW., Washington, DC.

The agenda for this meeting is as follows: A discussion of issues in order to formulate recommendations primarily related to passenger facility charges.

Attendance at the March 15 and 16 meetings is open to the interested public but limited to space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact Frank C. Emerson in the Office of Aviation Policy and Plans (APO), 800 Independence

Avenue, SW., Washington, DC 20591, telephone 202–267–3208.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on February 27, 1990.

Dale E. McDaniel,

Assistant Administrator for Policy, Planning, and International Aviation.

[FR Doc. 90–4796 Filed 3–1–90; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

Discretionary Cooperative Agreements To Support National Occupant Protection Programs

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Announcement of discretionary cooperative agreements to support National Occupant Protection Programs and Prevention of Impaired Driving Programs.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces the availability of FY 1990 discretionary cooperative agreements to support the President's goal of reaching at least 70 percent safety belt usage by 1992 and to support the national occupant protection education and outreach program in the areas of outreach to rural and economically disadvantaged populations, hospital-based community child passenger safety, occupational health, and intergovernmental relations. These funds will also support the President's goal of reducing the incidences of impaired driving on our nation's highways. This notice solicits applications from national non-profit organizations that are interested in developing and implementing projects under this program.

DATES: Applications must be received at the office designated below on or before May 2, 1990.

ADDRESSES: Applications must be submitted to the National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD–30), ATTN: Alberta Jones, 400 7th Street, SW., Room 5301, Washington, DC 20590. All applications submitted must include a reference to NHTSA Cooperative Agreement Program No. DTNH22–90–Z–05136, and identify the priority program area for which the application is submitted. Interested applicants are advised that no separate application package exists beyond the contents of this announcement.

FOR FURTHER INFORMATION CONTACT: General administrative questions may be directed to Alberta Jones, Office of Contracts and Procurement, at (202) 366–9566. Programmatic questions relating to this cooperative agreement program should be directed to Ms. Katie Moran, Chief of National Organizations Division, NHTSA, Room 5118 (NTS–11), 400 7th Street SW., Washington, DC 20590 (202/366–2712).

SUPPLEMENTARY INFORMATION:

Background

Worldwide experience has demonstrated that safety belts reduce deaths and serious injuries by 40 to 55 percent. As recently as 1982, only 11 percent of U.S. motorists used safety belts, although in many foreign countries, belt use was over 70 percent. Since then, NHTSA and other groups have launched an unprecedented continuous program to increase occupant protection. The Secretary of Transportation's 1984 rulemaking on automatic occupant protection provided a phase-in schedule for automatic crash protection (such as air bags and automatic belts) and encouraged passage of State laws to require safety belt use. In 1989, belt use was 46 percent, 34 States had belt laws (plus D.C.) and millions of air bags and automatic belts were in the marketplace.

NHTSA's program objectives are to further reduce motor vehicle injuries and fatalities by:

—Increasing the number of belt users as high as possible;
—Developing special efforts to reach groups that have a higher than average risk of crash involvement;
—Encouraging the vigorous enforcement of traffic safety laws, particularly at the local level;
—Increasing public awareness of the importance of occupant protection, especially the benefits of new automatic protection systems such as air bags and automatic belts; and
—Measuring program effectiveness and sharing success stories to encourage even more public acceptance and use.

As a result of joint efforts with the States and other groups, safety belts and child safety seat use is the highest in history and public awareness of automatic crash protection has increased dramatically. Hundreds of community occupant protection programs get support and leadership from mayors' offices, health/medical professionals, police departments, civic and service organizations, and others.

Since 1981, NHTSA has worked with opinion leaders, such as physicians, nurses, law enforcement officers, public officials, educators, employers, and civic groups, who can motivate people through interpersonal contacts. One of the most effective means for educating the public about the lifesaving benefits of occupant protection has been through groups that have strong national, State, and local affiliates (e.g., the American Academy of Pediatrics, the American Hospital Association, and the U.S. Conference of Mayors). Implementation of statewide programs, including education about the importance of occupant protection in crash survival and support for enforcement of safety belt and child safety seat use laws, relies heavily on the outreach efforts of organizations like these. The process of sharing information and cooperating in educational activities and resources has aided the establishment of relationships at the national, State, and local levels. Appendix A contains a listing of the national organizations that have been involved at various levels in the occupant protection program.

The area of child passenger safety has some unique considerations. Research has demonstrated that child safety seats, when correctly used, can reduce fatalities among children less than 5 years of age by 71 percent. This makes child safety seats one of the single most effective automotive safety innovations ever developed. As a result of improvements in the convenience of the seats, state child passenger protection laws and public education, the use of child safety seats has increased dramatically over the past ten years. A survey of 19 U.S. cities has shown the use rate rising from only 22 percent in 1982 to 84 percent in 1988.

However, correct use of child safety seats is still the subject of major educational initiatives. Despite the apparent high rate of child safety seat use, many of these seats are being misused. In part because of this incorrect use, child safety seats are not currently saving as many lives as they could potentially save. NHTSA's program objectives are to gain further child injury/fatality reductions by increasing overall use of child passenger protection systems, by increasing correct use of child safety seats, and by enhancing enforcement of child passenger safety laws.

Current issues and concerns for the national occupant protection program can be summarized as follows:

—Approximately 50 percent of U.S. motorists still do not wear belts regularly. President Bush has selected 70 percent belt use by 1992 as a milestone in achieving the Administration's objective of reducing

the highway fatality rate to 2.2 deaths per 100 million vehicle-miles of travel.
—New belt users may need reinforcement to keep wearing their belts.
—An estimated 30 percent of child safety seats are not used in a manner that provides maximum protection.
—Some belt users may overestimate the protection provided by air bags and stop using their safety belts.
—17 States do not have belt use laws.
—Crash statistics reveal that those individuals who are most likely to be involved in serious crashes are those least likely to use safety belts or child safety seats.
—Potential for the greatest reduction in death and injury lies with the current non-users (i.e. people living in rural areas, economically disadvantaged people, young people, etc.) because they are more likely to be in crashes.

Impaired driving continues to be one of our nation's most serious public health and safety problems, with tragic consequences. Over the past 10 years millions of people have been injured and 250,000 have died in motor vehicle crashes involving alcohol. Impaired driving is the leading cause of death for young people aged 16–24. These crashes account for about half of all highway fatalities. In recent years society has been responding to the impaired driving problem in several ways. Efforts by grass roots citizens groups have brought the problem of death and injury caused by alcohol and other drug related crashes to the attention of local, state and Federal governments. As a result, partnerships have been formed by public and private sector groups to make impaired driving socially unacceptable as well as legally prohibited.

Objectives

Under this cooperative agreement program, the concepts of safety belt and child safety seat use, as well as awareness of the benefits of automatic crash protection should be advanced. Specific objectives for this cooperative agreement program are as follows:

1. To stimulate the development of occupant protection programs and the support for safety belt and child safety seat use laws by: providing support for nationally coordinated efforts to develop and implement occupant protection programs; motivating the members of national organizations and the individuals they serve to adopt traffic safety behaviors as components of healthy lifestyles; and enhancing organizational support for State safety belt use laws and child passenger safety laws and the enforcement of those laws.

2. To expand the outreach of occupant protection education activity and to improve knowledge of the effectiveness of such programs by: stimulating the development of programs and activities for target populations most at risk of crash injury; stimulating the development of programs designed to meet the special needs of organizational members; increasing the number, improving the quality, and expanding the scope of occupant protection programs conducted by national non-profit organizations; and performing an assessment of the project's outcomes during the period of support.

3. To reduce the number of incidences of impaired driving through legislation, enforcement, public awareness, education, adjudication, and other prevention and intervention programs.

Anticipated outcomes of this cooperative agreement effort are an increase in the number, kind, and quality of occupant protection programs initiated and supported by national non-profit organizations, especially for those populations most at risk of crash injury.

FY 1990 Program

In FY 1990, NHTSA intends to establish cooperative agreements with national non-profit organizations that have mechanisms to reach constituencies that can address the priority program areas described below. One cooperative agreement will be awarded in each of these four priority program areas. An applicant organization could be awarded cooperative agreements in two program areas, if qualified in both and based upon submitting two separate applications and budgets. More than one agreement could be awarded in a program area if additional funding becomes available.

1. Rural and Economically Disadvantaged Populations

To achieve NHTSA's goal of educating all American consumers about the benefits of using safety belts, child safety seats and automatic crash protection systems, additional emphasis is being placed on reaching individuals who have been identified as being at higher than average risk of suffering the effects of non-belt use. Death rates of motor vehicle occupants are greatest in counties with the lowest population density and lowest per capita income. Differences in road characteristics, travel speeds, types of vehicles, safety belt use, and availability of emergency care are major contributors to this difference.

Another segment of the population that has been identified by research as being at higher than average risk of suffering the effects of non-belt use is the economically disadvantaged. Income, education and other variables are combined to form profiles called socio-economic status (SES). Surveys on belt use show that individuals who fall into lower SES profiles are less likely to buckle up than people with higher SES.

The goal of this program area is to identify and develop innovative education and outreach programs in organizations reaching rural and/or economically disadvantaged populations. This includes identifying how occupant protection issues can fit into an organization's overall mission and existing delivery mechanisms, both within the organization and through other delivery systems, such as job training and literacy programs, child care center outreach programs, public health service clinics, and civic and community organizations.

2. Hospital-Based Community Passenger Safety

The national promotion of child passenger safety presents unique program challenges. The rapid turnover of the nation's child passenger safety audience requires that public education efforts be intensive and consistent. Each day, new parents enter the audience and need to be reached with the child passenger safety message. It is essential that we reach each parent quickly and effectively to ensure that infants and children do not travel unprotected.

New parents need awareness and instruction pertaining to a variety of child passenger safety issues. Parents need to be aware of the risks of highway travel and of the vulnerability of their children and themselves to injury or death from motor vehicle crashes. New parents also need information concerning the proper selection and use of child safety seats and how to provide passenger protection for their children as they grow beyond infancy. In addition, parents need specific technical advice pertaining to child seat compatibility with manual and automatic safety belt systems.

NHTSA has found that hospital visits are a particularly effective opportunity to reach new parents with the child passenger safety message. Prenatal parent education classes and post-birth infant care instruction are both potential intervention points.

The goal of this program area is to develop and implement a national, hospital-based child passenger safety education compaign. In 1990, specific objectives in this program area are as follows:

a. To facilitate parent education within the hospital setting;

b. To provide training for patient educators;

c. To develop appropriate program materials for dissemination through the organizational membership network;

d. To design a program of instruction and materials which encourages the institutionalization of the educational activities.

3. Occupational Health

According to the Bureau of Labor Statistics, motor vehicle crashes are the largest single cause of lost work time and on-the-job fatalities for U.S. businesses. It is estimated that motor vehicle crashes cost U.S. businesses about $42 billion in 1987. Today, progressive companies have made promotion of health and wellness in the work place a priority for reducing costs and improving worker productivity. Many companies educate employers about impaired driving and NHTSA wants to assist more companies to develop programs for their employees on occupant protection and impaired driving.

In recent years, there have been several programs sponsored at the state and national levels for worksite safety officials promoting the benefits of corporate/employer anti-drunk driving programs, safety belt programs, including education for employees, use requirements, and incentive programs for employees who buckle up. NHTSA is also involved in a public/private partnership with corporate executives to develop a national program to promote the development of comprehensive employer traffic safety programs. The Network of Employers for Traffic Safety (NETS) will provide training and promotional materials to safety managers on the importance of traffic safety programs.

In 1989, NHTSA began working with the Wellness Councils of America to develop and implement safety belt and anti-drunk driving messages for employees represented by Wellness Councils in 26 States and more than 2,000 businesses. The WELCOA training program and promotional materials will be designed to complement the materials being developed by NHTSA for the NETS program. Together they will provide an excellent resource bank for individuals working in the occupational health area.

The goals of this program area include enhancing the safe driving habits among an organizational membership comprised of occupational health professionals and encouraging those members to actively promote traffic safety programs where they are employed. In 1990, specific objectives in the area of ocupational health are as follows:

a. To design, develop, and disseminate a comprehensive package of materials in support of a safety belt and anti-drunk driving program targeted to the occupational health professional.

b. To expand the outreach of occupational health professionals to include traffic safety education and awareness programs.

c. To broaden the awareness among corporations of the NETS Program.

d. To measure the effectiveness of their safety belt and anti-drunk driving programs.

4. Intergovernmental Relations

National data show that traffic crashes are the number one killer of employees. Each year, 47,000 people die on our highways, with each fatality costing about $110,500 in workers' compensation and a like amount for uninsured costs. State and local officials, in their role as policy makers and executives for their jurisdictions, face the personal and financial ordeal all employers face when lives and capital resources are lost due to highway trauma. To help reduce these losses, a major goal of this program area is to provide State and local officials with information and innovative technical assistance on the effective operation and assessment of community traffic safety programs.

Over the years, NHTSA has supported State and local government efforts to implement traffic safety programs designed to decrease the number of people who drive while under the influence of alcohol or drugs, and to increase the use of safety belts. Methods to stimulate governmental interest in promoting effective community traffic safety programs have included, among other things, the following activities: education on correct use of safety belts, child safety seats, and automatic crash protection systems; the promotion of anti-drunk driving programs; participation in national and regional meetings and conferences; preparation of brochures and other items for publication and distribution; and the development and sponsorship of safety belt and anti-impaired driving "challenges" between States or between other governmental units.

Another area of interest in this program area is the potential application of principles associated with worksite traffic safety programs for developing project activities which address the problems associated with on the job and off the job motor vehicle crashes for employees of State and local government agencies. As was described in the occupational health program area, NHTSA has developed a variety of traffic safety materials designed for private sector employers. These materials could serve, with some modification, as the basis for a campaign targeted at public sector employers.

Innovative Approaches

Applicant organizations are encouraged to develop and propose *innovative* approaches within these priority program areas that are appropriate for their constituencies. Some examples of activities follow that have been conducted in the past by national organizations and others involved in the occupant protection program are only provided to stimulate thinking and should not be viewed as required activities: identify members of the organization (and their family members) that qualify for "Saved By the Belt Club" recognition and publicize these survior stories in organizational publications; identify and develop materials needed to conduct the project (this could include handbooks, manuals, brochures, posters, audio-visuals, etc.); write and have articles placed in organizational newsletters, magazines, and/or journals; encourage and assist organizations in adopting a national policy resolution for safety belt and child safety seat use.

NHTSA Involvement

The National Highway Traffic Safety Administration (NHTSA), Office of Occupant Protection (OOP), will be involved in all activities undertaken as part of the cooperative agreement program and will:

1. Provide a Contracting Officer's Technical Representative (COTR) to participate in the planning and management of the cooperative agreement and to coordinate activities between the organization and OOP;

2. Provide information and technical assistance from government sources, within available resources and as determined appropriate by the COTR;

3. Provide liaison with other government/private agencies as appropriate; and

4. Stimulate the exchange of ideas and information among cooperative agreement recipients through periodic meetings.

Period of Support

Contingent on the availability of funds, satisfactory performance, and continued demonstrated need,

cooperative agreements may be awarded for project periods of up to three (3) years. The application for the initial funding period (12 months) should address what is proposed and can be accomplished during that initial period. The proposal and budget for the initial project should not include any continuation information, but should only cover the first 12 months of effort. To obtain funding after the initial 12-month period, a continuation application and approval will be required for any subsequent year. Continuation applications will not be subjected to competitive review, but must demonstrate that the continuation effort will effectively and efficiently fulfill program objectives.

Anticipated funding level for FY 1990 projects will be $70,000 in each of the four priority program areas. Federal funds should be viewed as seed money to assist organizations in the development of traffic safety initiatives. Monies allocated for cooperative agreements are not intended to cover all of the costs that will be incurred in the process of completing the projects. Applicants should demonstrate a commitment of financial or in-kind resources to the support of proposed projects.

Eligibility Requirements

In order to be eligible to participate in this cooperative agreement progam, a national non-profit organization must meet the following requirements:

—Have an established membership structure with State/local chapters in all regions of the country; and
—Have formal organizational communication mechanisms established for use in informing and motivating members and other constituents to become involved in occupant protection at the State and local levels. Such communication mechanisms may include organizational newsletters, journals, quarterly reports, and scheduled conferences/conventions.

In addition to the above, the following shall be required of applicant organizations in the priority program areas identified:

—Occupational Health—To be eligible for consideration, the applicant must be a national non-profit organization whose membership is comprised of professionals in the field of occupational health and wellness.
—Intergovernmental Relations—To be eligible for consideration, the applicant must be a national non-profit organization whose membership is comprised of representatives from regional, State, or local government agencies, or elected or appointed officials of these agencies.

Application Procedure

Each applicant must submit one original and two copies of their application package to: NHTSA, Office of Contracts and Procurement (NAD–30), ATTN: Alberta Jones, 400 7th Street, SW., Room 5301, Washington, DC 20590. Submission of four additional copies will expedite processing, but is not required. Applications must be typed on one side of the page only. Applications must include a reference to NHTSA Cooperative Agreement Program No. DTNH22–90–Z–05136, and identify the priority program area for which the application is submitted. Only complete application packages received on or before May 2, 1990, shall be considered.

Applicants may apply for more than one of the priority program areas; however, a separate application and budget must be submitted for each program area. The "Rural and Economically Disadvantaged Populations" is one program area; an applicant may propose a project covering only a rural focus, or only an ecomically disadvantaged focus, or both. All applications received in this program area will be evaluated together, and a single cooperative agreement will be awarded.

Applicant Contents

1. The application package must be submitted with OMB Standard Form 424 (Rev. 4–88, including 424A and 424B), Application for Federal Assistance, with the required information filled in and the certified assurances included. While the Form 424–A deals with budget information, and section B identifies Budget Categories, the available space does not permit a level of detail which is sufficient to provide for a meaningful evaluation of the proposed costs. A supplemental sheet should be provided which presents a detailed breakdown of the proposed costs, as well as any costs which the applicant proposes to contribute in support of this effort.

2. Applications shall include a program narrative statement which addresses the following:

a. Identifies the organizational membership and purpose, demonstrates the need for the assistance, and states the principal goals and subordinate objectives of the project, as well as the anticipated results and benefits. Supporting documentation from concerned interests other than the applicant can be used. Any relevant data based on planning studies should be included or footnoted.

b. Approach:

(i) Outlines a plan of action pertaining to the scope and detail on how the proposed work will be accomplished. Include the reasons for taking this approach as opposed to other approaches.

(ii) Describes any unusual features, such as design or technological innovations, reductions in cost or time, or extraordinary social/community involvement.

(iii) Provides quantitative projections of the accomplishments to be achieved, if possible, or lists the activities in chronological order to show the schedule of accomplishments and their target dates.

(iv) Identifies the kinds of data to be collected and maintained, and discusses the criteria to be used to evaluate the results. Explains the methodology that will be used to determine if the needs identified and discussed are being met, and if the results and benefits identified are being achieved.

(v) Lists each organization, corporation, consultant or other individuals who will work on the project along with a short description of the nature of their effort or contribution and relevant experience.

Evaluation Criteria and Review Process

Initially, all applications will be reviewed to confirm that the applicant is an eligible recipient and to assure that the application contains all of the information required by the Application Contents of this notice.

Each complete application from an eligible recipient will then be evaluated by an Evaluation Committee. The applications will be evaluated based upon the following general factors which are listed in descending order of importance. In addition to these general factors, the Evaluation Committee will consider the specific factors identified for each of the four priority program areas of this cooperative agreement program. The general factors represent roughly two-thirds of the total, with the specific factors representing roughly one-third of the total.

General Evaluation Factors

1. What the organization proposes to accomplish and the potential of the proposed project to make a significant contribution to national efforts to achieve increased safety belt use, child safety seat use, and awareness of automatic crash protection systems. Innovative approaches to accomplish the project are encouraged.

2. The extent to which the proposed project addresses the need of target

populations, the goals and objectives of the selected priority program area, and the appropriateness of the project for the identified constituency.

3. The soundness and feasibility of the proposed approach or workplan, including the evaluation plan to assess program outcomes.

4. How the organization will provide the administrative capability and staff expertise required to successfully complete the proposed project.

5. The proposed coordination with and use of other available organizational resources, including other sources of financial support. The "cost/benefit" potential of the proposed project will be considered.

Additional Factors for Rural and Economically Disadvantaged Populations

1. The extent to which the proposed project addresses the interrelationship between on-going highway safety activities being conducted by the States and other national outreach efforts.

2. The overall track record, capability and commitment of the organization to develop programs and materials sensitive to the various target groups and to effectively reach rural and/or economically disadvantaged populations at the community or grassroots level.

Additional Factors for Hospital-Based Community Child Passenger Safety

1. The extent to which the proposed project addresses foreseeable barriers to widespread program implementation and institutionalization, such as financial and personnel limitations and potential liability concerns.

2. The overall track record, capability and commitment of the organization to effectively reach parents and patient educators in the hospital setting.

Additional Factors for Occupational Health

1. The extent to which the proposal addresses the interrelationship between the proposed project and the on-going efforts for the NETS program and for the WELCOA program, as well as, if appropriate, the problems associated with implementing occupational health programs in small businesses.

2. The overall track record, capability and commitment of the organization to effectively reach occupational health professionals with educational and motivational programs.

Additional Factors for Intergovernmental Relations

1. The extent to which the proposal demonstrates an understanding of the current and potential role of the organizational membership to support traffic safety at community levels, as well as its ability to develop and disseminate information on effective community traffic safety programs.

2. The overall track record, capability and commitment of the organization to effectively work on behalf or regional, State, and local government agencies on traffic safety issues.

Terms and Conditions of the Award

1. Prior to award, each recipient must comply with the certification requirements of 49 CFR part 29—Department of Transportation Government-wide Deparment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants), as well as, if applicable, the "common rule" effected to provide for the Disclosure of Lobbying Activities.

2. Performance Reports: Each recipient will be required to submit quarterly performance reports in a format and on a schedule to be determined at the time of award. In addition, each recipient will be required to submit a detailed final performance report describing the project and its outcomes no later than 90 days after completion of the support period.

3. During the effective period of the cooperative agreements awarded as a result of this notice, each agreement shall be subject to the general administrative requirements of OMB Circular A–110 (or the "common rule," if effected prior to award), the cost principles of OMB Circular A–122, the requirements of 49 CFR part 29, and, as as applicable, the provisions of the "common rule" effecting new restrictions on lobbying pursuant to section 319 of Public Law 101–121.

Issued on February 27, 1990.

Robert M. Nicholson,

Acting Associate Administrator for Traffic Safety Programs.

Appendix A—National Organizations Involved in Occupant Protection 1981–1989

American Academy of Family Physicians
American Academy of Osteopathic Surgeons
American Academy of Pediatrics
American Association of School Administrators
American Association of Retired Persons
American Coalition for Traffic Safety, Inc.
American College of Emergency Physicians
American College of Obstetricians and Gynecologists
American College of Orthopedic Surgeons
American College of Preventive Medicine
American College of Surgeons
American Driver and Traffic Safety Education Association
American Hospital Association
American Medical Association
American Nurses Association
American Osteopathic Association
American Public Health Association
American Red Cross
American Spinal Injury Association
American Trauma Society
Association of State and Territorial Health Officials
Association for the Advancement of Health Education
Auxiliary to the American Dental Association
Auxiliary to the American Optometric Association
Boy Scouts of America
Future Farmers of America
General Federation of Women's Clubs
Girl Scouts of the U.S.A.
International Association of Chiefs of Police
National Association for the Education of Young Children
National Association for Elementary School Principals
National Association of Governor's Highway Safety Representatives
National Association of Motor Fleet Administrators
National Association of State Directors of Law Enforcement Training
National Association of Women Highway Safety Leaders
National Child Passenger Safety Association
National Council of Negro Women
National Council of State Emergency Medical Services Training Coordinators
National Association of Counties
National Extension Home Economists
National Extension Homemakers Council
National Head Injury Foundation
National League of Cities
National PTA
National Safety Council
National Sheriffs Association
National Student Safety Program
Students Against Driving Drunk
Traffic Safety Now, Inc.
U.S. Conference of Mayors
Wellness Councils of America
Worker's Institute for Safety and Health

[FR Doc. 90–4803 Filed 3–1–90; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 4 (Rev. 20)]

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: The Delegation order is revised to change the position titles of Revenue Representative and Office Collection Representative to Tax Examiner, whose duties include contacting taxpayers in person. The order is also revised to include the position Revenue Officer in the list of delegated officials. This position was inadvertently excluded in previous revision of the order. Because the Austin Compliance Center has been

made permanent, officials of that Center are now included as delegated officials.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Mike LaMothe, CO:O:FP, Room 7551, 1111 Connecticut Avenue, NW., Washington, DC 20224, Telephone: (202) 535–4507 (not a toll-free telephone number).

Delegation Order

[Order No. 4 (Rev. 20)]

Effective Date: 3–5–90

Authority to Issue Summonses, to Administer Oaths and Certify, and to Perform Other Functions

1(a). The authorities granted to the Commissioner of Internal Revenue by 26 CFR 301.7602–1(b), 301.7603–1, 301.7604–1 and 301.7605–1(a) and the authorities contained in Section 7609 of the Internal Revenue Code of 1954 and vested in the Commissioner of Internal Revenue Service by Treasury Order No. 150–10 to issue summonses; to set the time and place for appearance; to serve summonses; to take testimony under oath of the person summoned; to receive and examine books, papers, records or other data produced in compliance with the summons; to enforce summonses; to apply for court orders approving the service of John Doe Summonses issued under Section 7609(f) of the Internal Revenue Code; to apply for court orders suspending the notice requirements in the case of summonses issued under Section 7609(g) of the Internal Revenue Code; and under Section 7609(i)(2) of the Internal Revenue Code; may, when requested, certify to third-party recordkeepers that no action to quash has been timely initiated or that the taxpayer has consented to the examination of the records summonsed, are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 1(b), 1(c), and 1(d) of this Order and subject to the limitations stated in paragraphs 1(b), 1(c), 1(d), 5, and 6 of this Order.

1(b) The authorities to issue summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order, are delegated to all District Directors and the following officers and employees, provided that the authority to issue a summons in which the proper name or names of the taxpayer or taxpayers is not identified because unknown or unidentifiable (hereinafter called a "John Doe" summons) may be exercised only by said officers and employees.

(1) Inspection; Director, Internal Security Division and regional Inspectors.

(2) International: Deputy Assistant Commissioner and Directors, Offices of Taxpayer Service and Compliance, and International Programs.

(3) District Criminal Investigation: Chief of Division, except this authority in districts without a Division Chief is limited to the District Director.

(4) District Collection Activity: Chief of Division, except this authority in streamlined districts is limited to the District Director.

(5) District Examination: Chief of Division, except this authority in streamlined districts is limited to the District Director.

(6) District Employee Plans and Exempt Organizations: Chief of Division.

1(c) The authorities to issue summonses except "John Doe" summonses, and to perform other functions related thereto specified in paragraph 1(a) of this Order, are delegated to the following officers and employees:

(1) Inspection: Assistant Regional Inspectors (Internal Security) and Chief, Investigations Branch.

(2) Assistant Commissioner (International): Criminal Investigation Special Agents; Collection Group Managers; and Examination Group Managers (including large case managers).

(3) District Criminal Investigation: Assistant Chief of Division; and Special Agents.

(4) District Collection Activity: Assistant Chief of Division; Group Managers.

(5) District Examination: Case Managers, Group Managers (including large case managers) and, in streamlined districts Chiefs, Examination Section.

(6) District Employee Plans and Exempt Organizations: Group Managers.

1(d) The authority to issue summonses except "John Doe" summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order is delegated to the following officers and employees except that in the instance of a summons to a third party witness, the issuing officer's case manager, group manager, or any supervisory official above that level, has in advance personally authorized the issuance of the summons. Such authorization shall be manifested by the signature of the authorizing officer on the face of the original and all copies of the summons or by a statement on the face of the original and all copies of the summons, signed by the issuing officer, that he/she had prior authorization to issue said summons and stating the name and title of the authorizing official and the date of authorization.

(1) Assistant Commissioner (International): Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers, GS–9 and above.

(2) District Collection: Revenue Officers, GS–9 and above.

(3) District Examination: Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(4) District Employee Plans and Exempt Organizations: Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

1(e) Each of the officers and employees referred to in paragraphs 1(b), 1(c), and 1(d) of this Order may serve a summons whether it is issued by him/her or another official.

1(f) Tax Examiners, GS–5 and above, whose duties include contacting taxpayers in person, Revenue Officer Aides, GS–5 and above, and Revenue Officers, who are assigned to the district or International Collection activity may serve any summons issued by the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order.

1(g) Tax Fraud Investigative Aides, GS–5 and above, who are assigned to the district Criminal Investigation activity may serve any summons issued by the officers and employees referred to in Paragraphs 1(b) and 1(c) of this Order.

2. Each of the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order authorized to issue summonses, is delegated the authority under 26 CFR part 301. 7602–1(b) to designate any other officer or employee of the Internal Revenue Service referred to in paragraph 4(b) of this Order, as the individual before whom a person summoned pursuant to Section 7602 of the Internal Revenue Code shall appear. Any such other officer or employee of the Internal Revenue Service when so designated in a summons is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records or other data produced in compliance with the summons.

3. Internal Security Inspectors are delegated the authority under 26 CFR 301.7603–1 to serve summonses issued in accordance with this Order by any of the officers and employees of the

Inspection Service referred to in paragraphs 1(b)(1) and 1(c)(1) of this Order even though Internal Security Inspectors do not have the authority to issue summonses.

4(a). The authorities granted to the Commissioner of Internal Revenue by 26 CFR 301.7602–1(a), and 301.7605–1(a) to examine books, papers, records or other data, to take testimony under oath and to set the time and place of examination are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 4(b) and 4(c) of this Order and subject to the limitations stated in paragraphs 4(c) and 6 of this Order.

4(b) General Designations

(1) Inspection: Director, Internal Security Division; Director, Internal Audit Division; Regional Inspectors; Internal Auditors; Management Auditors; Internal Security Inspectors; Investigators (Internal Security); and Internal Security Assistants.

(2) District Criminal Investigation: Assistant Chief of Division; and Special Agents.

(3) International: Deputy Assistant Commissioner (International), Special Agents; Case Managers; Group Managers, Internal Revenue Agents; Estate Tax Attorneys; Estate Tax Law Clerks; Estate Tax Examiners; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; Revenue Officers; and Tax Examiners whose duties include contacting taxpayers in person.

(4) District Collection Activity: Assistant Chiefs of Division; Revenue Officers; and Tax Examiners whose duties include contacting taxpayers in person.

(5) District Examination: Internal Revenue Agents; Tax Auditors; Estate Tax Attorneys; Estate Tax Law Clerks; and Estate Tax Examiners.

(6) District Employee Plans and Exempt Organization: Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(7) Service Center/Austin Compliance Center: Revenue Agents; Tax Auditors; Tax Examiners in the correspondence examination function; and Special Agents.

4(c) District Directors, Service Center Directors, Austin Compliance Center Director, Regional Inspectors, and the Chief of Investigation Branch, Internal Security Division, may redelegate the authority under 4(a) of this Order to student trainees (Revenue Officer), (Revenue Agent), (Internal Audit), and (Internal Security), and Examination Aides, and Tax Fraud Investigative Aides, provided that each student trainee or aide shall exercise said authority only under the appropriate supervision of a Revenue Officer, Tax Auditor, Revenue Agent, Special Agent, Internal Auditor, or Internal Security Inspector, as applicable.

5. With the exceptions noted below, the officers and employees of the Internal Revenue Service referred to in paragraphs 1(b), 1(c), 1(d), and 4(b) and 4(c) of this Order are designated to administer oaths and affirmations and to certify to such papers as may be necessary under the internal revenue laws and regulations except that the authority to certify shall not be construed as applying to those papers or documents the certification of which is authorized by separate order or directive. This authority is granted to the Commissioner of Internal Revenue by 26 CFR 301.7622–1.

6. Tax Examiners, referred to in paragraph 4(b)4 of this Order, and Tax Fraud Investigative Aides, GS–5 and above, referred to in paragraph 4(c), are not designated to administer oaths or to perform the other functions mentioned in these paragraphs, except as follows. Tax Examiners, and Tax Fraud Investigative Aides, GS–5 and above, are authorized to certify the method and manner of giving notice when performing the functions and duties contained in paragraphs 1(f) and 1(g), respectively.

7. The authority delegated herein may not be redelegated except as provided in paragraph 4(c).

8. Delegation Order No. 4 (Rev. 19), effective January 26, 1989, is superseded.

Dated: February 15, 1990.

Approved:

Charles H. Brennen,

Deputy Commissioner (Operations).

[FR Doc. 90–4800 Filed 3–1–90; 8:45 am]

BILLING CODE 4830–01–M

Performance Review Board; Membership

AGENCY: Internal Revenue Service.

ACTION: Notice of Members of Senior Executive Service Performance Review Board.

DATES: Performance Review Board effective February 1, 1990.

FOR FURTHER INFORMATION CONTACT: DiAnn Kiebler, HR:H:E, room 3515, 1111 Constitution Avenue NW., Washington, DC 20224, Telephone No. (202) 566–4633, (not a toll free number)

SUPPLEMENTARY INFORMATION: Pursuant to section 4314(c)(4) of the Civil Service Reform Act of 1978, the members of the Internal Revenue Service's Senior Executive Service Performance Review Board for senior executives other than Regional Commissioners, Assistant Commissioners and executives in Inspection and the Office of the Commissioner are as follows:

Michael J. Murphy, Senior Deputy Commissioner, Chairperson
David G. Blattner, Assistant Commissioner (Examination)
Robert T. Johnson, Assistant Commissioner (Human Resources Management and Support)
Helen L. White, Assistant to the Commissioner (Equal Opportunity)
J. Robert Starkey, Regional Commissioner, Mid-Atlantic Region
Charles J. Peoples, Assistant Commissioner (Returns Processing)
Elmer Kletke, Regional Commissioner, Midwest Region

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978 (43FR52122).

Frederick T. Goldberg, Jr.,

Commissioner.

[FR Doc. 90–4746 Filed 3–1–90; 8:45 am]

BILLING CODE 4830–01–M

Office of Thrift Supervision

Community Federal Savings Bank; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in Section 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by Section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Community Federal Savings Bank, East Moline, Illinois ("Savings Bank"), on February 23, 1990.

Dated: February 26, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90–4731 Filed 3–1–90; 8:45 am]

BILLING CODE 6720–01–M

First Standard Federal Savings Association; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in Section 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by Section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act

of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for First Standard Federal Savings Association, Fairmont, West Virginia ("Association"), on February 23, 1990.

Dated: February 26, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4732 Filed 3-1-90; 8:45 am]

BILLING CODE 6720-01-M

First Federal Savings Association of Bluefield; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in Sections 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by Section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for First Federal Savings Association of Bluefield, Bluefield, West Virginia ("Association"), on February 23, 1990.

Dated: February 26, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4735 Filed 3-1-90; 8:45 am]

BILLING CODE 6720-01-M

First Atlantic Savings & Loan Association; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in Section 5(d)(2)(C) of the Home Owners' Loan Act of 1933, as amended by Section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for First Atlantic Savings and Loan Association, Plainfield, New Jersey ("Association"), Docket No. 0202, on February 23, 1990.

Dated: February 26, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4743 Filed 3-1-90; 8:45 am]

BILLING CODE 6720-01-M

Greenwood Federal Savings & Loan Association; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in Section 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by Section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Greenwood Federal Savings and Loan Association, Greenwood, Mississippi ("Association"), on February 23, 1990.

Dated: February 26, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4737 Filed 3-1-90; 8:45 am]

BILLING CODE 6720-01-M

Imperial Savings Association; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(C) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Imperial Savings Association, San Diego, California ("Association"), docket No. 1761 on February 23, 1990.

Dated: February 26, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4742 Filed 3-1-90; 8:45 am]

BILLING CODE 6720-01-M

Mercury Savings & Loan Association; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by Section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Mercury Savings and Loan Association, Huntington Beach, California ("Association") February 23, 1990.

Dated: February 26, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4727 Filed 3-1-90; 8:45 am]

BILLING CODE 6720-01-M

Nowlin Federal Savings Association; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Nowlin Federal Savings Association, North Richland Hills, Texas ("Association"), on February 23, 1990.

Dated: February 26, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4745 Filed 3-1-90; 8:45 am]

BILLING CODE 6720-01-M

Provident Savings Association, F.A.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Provident Savings Association, F.A., Casper, Wyoming ("Association"), on February 23, 1990.

Dated: February 26, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4729 Filed 3-1-90; 8:45 am]

BILLING CODE 6720-01-M

Texasbanc Federal Savings Bank; Appointment of Conservator Texasbanc Federal Savings Bank

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Texasbanc Federal Savings Bank, Conroe, Texas ("Association"), on February 23, 1990.

Dated: February 26, 1990.

By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-4739 Filed 3-1-90; 8:45 am]
BILLING CODE 6720-01-M

Vanguard Savings Bank, F.S.B.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2) (A) and (B) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Vanguard Savings Bank, F.S.B., Vandergrift, Pennsylvania ("Association"), on February 23, 1990.

Dated: February 26, 1990.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-4740 Filed 3-1-90; 8:45 am]
BILLING CODE 6720-01-M

Community Savings Bank; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(C) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Community Savings Bank, East Moline, Illinois ("Savings Bank"), on February 23, 1990.

Dated: February 26, 1990.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-4730 Filed 3-1-90; 8:45 am]
BILLING CODE 6720-01-M

First Standard Savings Association, F.A.; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Standard Savings Association, F.A., Fairmont, West Virginia ("Association"), docket No. 5476 on February 23, 1990.

Dated: February 26, 1990.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-4733 Filed 3-1-90; 8:45 am]
BILLING CODE 6720-01-M

First Federal Savings and Loan Association of Bluefield; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in Section 5 (d)(2)(A) and (B) of the Home Owners' Loan Act of 1933, as amended by Section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Federal Savings and Loan Association of Bluefield, Bluefield, West Virginia ("Association"), on February 23, 1990.

Dated: February 26, 1990.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-4734 Filed 3-1-90; 8:45 am]
BILLING CODE 6720-01-M

First Federal Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Federal Savings and Loan Association, Greenwood, Mississippi ("Association"), on February 23, 1990.

Dated: February 26, 1990.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-4736 Filed 3-1-90; 8:45 am]
BILLING CODE 6720-01-M

Nowlin Savings Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in Section 5(d)(2)(C) of the Home Owners' Loan Act of 1933, as amended by Section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Nowlin Savings Association, North Richland Hills, Texas ("Association"), on February 23, 1990.

Dated: February 26, 1990.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-4744 Filed 3-1-90; 8:45 am]
BILLING CODE 6720-01-M

Provident Federal Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (A) and (B) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Provident Federal Savings and Loan Association, Casper, Wyoming ("Association"), on February 23, 1990.

Dated: February 26, 1990.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-4728 Filed 3-1-90; 8:45 am]
BILLING CODE 6720-01-M

Texasbanc Savings, F.S.B.; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Texasbanc Savings, F.S.B., Conroe, Texas ("Association"), on February 23, 1990.

Dated: February 26, 1990.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-4738 Filed 3-1-90; 8:45 am]
BILLING CODE 6720-01-M

Vanguard Federal Savings Bank; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989,

the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Vanguard Federal Savings Bank, Vandergrift, Pennsylvania ("Association"), on February 23, 1990.

Dated: February 26, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-4741 Filed 3-1-90; 8:45 am]

BILLING CODE 6720-01-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition

Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13559, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "The Passionate Eye: Impressionist and Other Master Paintings from the Collection of Emil G. Buhrle" (see list [1]) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art in Washington, DC, beginning on or about May 6, 1990 to on or about July 15, 1990, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: February 27, 1990.

Alberto J. Mora,

General Counsel.

[FR Doc. 90-4952 Filed 3-1-90; 8:45 am]

BILLING CODE 8230-01-M

[1] A copy of this list may be obtained by contacting Mr. R. Wallace Stuart of the Office of the General Counsel of USIA. The telephone number is 202/485-7978, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

Sunshine Act Meetings

Federal Register
Vol. 55, No. 42
Friday, March 2, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board was held at the offices of the Farm Credit Administration in McLean, Virginia, on February 27, 1990, from 3:10 p.m.–4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Jeffrey P. Katz, Acting Secretary to the Farm Credit Administration Board, (703) 883–4003, TDD (703) 883–4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting was closed to the public pursuant to exemptive provisions of the Government in the Sunshine Act. The matter considered at the meeting was:

Closed Session [1]

- Jackson FLB/FLBA in Receivership.

Dated: February 28, 1990.

Jeffrey P. Katz,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 90–4967 Filed 2–28–90; 3:41 am]

BILLING CODE 6705–01–M

[1] Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(4), (8) and (9).

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on March 6, 1990, from 10:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Jeffrey P. Katz, Acting Secretary to the Farm Credit Administration Board, (703) 883–4003, TDD (703) 883–4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

Open Session

1. Approval of FCA Board Meeting Minutes; and

Closed Session [1]

2. Consideration of Salary and Compensation Requests.

Dated: February 28, 1990.

Jeffrey P. Katz,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 90–4968 Filed 2–28–90; 3:42 pm]

BILLING CODE 6705–01–M

[1] Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(4), (6), (8) and (9).

NATIONAL SCIENCE BOARD

DATE AND TIME: March 16, 1990—

8:00 a.m. Closed Session

8:20 a.m. Open Session

PLACE: National Science Foundation, 1800 G Street, NW., Room 540, Washington, DC 20550.

STATUS:

Most of this meeting will be open to the public.

Part of this meeting will be closed to the public.

MATTERS TO BE CONSIDERED MARCH 16:

Closed Session (8:00 a.m. to 8:20 a.m.)

1. Minutes—February Meeting
2. NSB and NSF Staff Nominees
3. Future NSF Budgets
4. Alan T. Waterman Award
5. Grants and Contracts—Action Item

Open Session (8:20 a.m. to 11:15 a.m.)

6. Grants and Contracts, and Programs—Action Items
7. Chairman's Report
8. Minutes—February Meeting
9. Director's Report
10. Proposed Amendment to NSB Delegation of Authority to NSB Executive Committee
11. Upgrading Environmental Practices in Antarctica
12. Ocean Drilling Program Review
13. Other Business

Thomas Ubois,

Executive Officer.

[FR Doc. 90–4966 Filed 2–28–90; 3:36 pm]

BILLING CODE 7555–01–M

federal register

Friday
March 2, 1990

Part II

Panama Canal Commission

48 CFR Ch. 35

Acquisition Regulation; Establishment of Chapter; Final Rule

PANAMA CANAL COMMISSION

48 CFR Ch. 35

RIN 3207-AA10

Acquisition Regulation; Establishment of Chapter

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: The Panama Canal Commission Acquisition Regulation (PAR) is established as Chapter 35 of the Federal Acquisition Regulations System in Title 48 of the Code of Federal Regulations. The PAR implements and supplements the Federal Acquisition Regulation (FAR), which is the primary acquisition regulation that governs the contracting process of all executive agencies or otherwise controls the relationship between such agencies and their contractors or prospective contractors. This action is necessary to provide regulatory coverage pertinent to Commission acquisitions that is not otherwise provided in the FAR.

EFFECTIVE DATE: March 2, 1990.

FOR FURTHER INFORMATION CONTACT: Barbara Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, telephone (202) 634-6441, or Jim Doyle, Assistant Procurement Executive, telephone in Balboa, Republic of Panama, 011-507-52-4074.

SUPPLEMENTARY INFORMATION:

A. Background

On August 23, 1989, a notice was published in the **Federal Register** (54 FR 35010) inviting comments on the PAR, a proposed rule that would implement and supplement the FAR. No comments were received. As the result of an internal review, editorial changes of a nonsubstantive nature have been made to improve clarity and readability in the final rule. The changes will have no impact on the public.

B. Executive Order 12291

This final rule has been reviewed by the Office of Management and Budget (OMB) in accordance with Executive Order 12291. It is not classified as a major rule because it does not meet the criteria for a major rule established in the executive order.

C. Regulatory Flexibility Act

The Panama Canal Commission certifies that the rule will not have a significant economic impact on a substantial number of small entities because the rule serves only to implement or supplement the Federal Acquisition Regulation.

D. Paperwork Reduction Act

The information collection and recordkeeping requirements that are imposed on the public by the rule were approved by OMB and have been assigned OMB Control No. 3207-0007.

List of Subjects in 48 CFR Ch. 35

Government procurement.

For the reasons set out in the preamble, Chapter 35 of Title 48 of the Code of Federal Regulations is established as follows.

Dated: December 26, 1989.

D.P. McAuliffe,

Administrator.

CHAPTER 35—PANAMA CANAL COMMISSION

SUBCHAPTER A—GENERAL

Part

SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

SUBCHAPTER G—CONTRACT MANAGEMENT

SUBCHAPTER H—CLAUSES AND FORMS

SUBCHAPTER I—AGENCY SUPPLEMENTARY REGULATIONS

Subchapter A—General

PART 3501—FEDERAL ACQUISITION REGULATIONS SYSTEM

Sec.

Subpart 3501.1—Purpose, Authority, Issuance

Subpart 3501.2—Administration

Subpart 3501.3—Agency Acquisition Regulations

Subpart 3501.4—Deviations from the FAR and PAR

Subpart 3501.6—Contracting Authority and Responsibilities

Authority: 40 U.S.C. 486(c).

3501.000 Scope of part.

This part sets forth basic policies and general information about the Panama Canal Commission Acquisition Regulation, referred to as the PAR, and its relationship to the Federal Acquisition Regulation, referred to as the FAR.

Subpart 3501.1—Purpose, Authority, Issuance

3501.101 Purpose.

(a) The Federal Acquisition Regulations System brings together, in title 48 of the Code of Federal Regulations (CFR), the acquisition regulations of all executive agencies of the United States Government. This subpart establishes the PAR as chapter 35 of title 48, CFR. The FAR, which is the primary document for all agencies within this system, is issued as chapter 1 of title 48, CFR.

(b) The purpose of the PAR is to implement the FAR where further implementation is needed and to supplement the FAR when coverage is needed for subject matter not contained in the FAR. The PAR is not, by itself, a complete regulation. It must be used in conjunction with, and is subordinate to, the FAR.

3501.102 Authority.

The PAR and amendments thereto are issued by the Administrator of the Panama Canal Commission (Commission) pursuant to the authority of section 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(c)), as amended, and other applicable law.

3501.103 Applicability.

The FAR and the PAR apply to all acquisitions of the Commission, except where expressly excluded.

3501.104 Issuance.

3501.104–1 Publication and code arrangement.

(a) The PAR is published in—

(1) The **Federal Register**;

(2) Cumulated form at 48 CFR Chapter 35; and

(3) A separate loose-leaf form.

3501.104–2 Arrangement of regulations.

(a) *General.* The PAR is divided into the same parts, subparts, sections, subsections and paragraphs as is the FAR. However, when the FAR coverage is adequate by itself, there will be no corresponding PAR coverage.

(b) *Numbering.* (1) Where the PAR implements the FAR, the implementing part, subpart, section or subsection of the PAR will be numbered and captioned, to the extent feasible, the same as the FAR part, subpart, section or subsection being implemented except that the implementation will be preceded with a 35 or a 350 such that there will always be four numbers to the left of the decimal. For example, the PAR implementation of FAR 1.104–1 is shown as 3501.104–1 and the PAR implementation of FAR subpart 24.1 is shown as subpart 3524.1. Similarly, individual paragraphs at the section and subsection levels of the PAR correspond, to the extent feasible, to the FAR paragraph designations that are being implemented.

(2) Material which supplements the FAR as new parts, subparts, sections, or subsections will be assigned the numbers 70 and up. For example, there is no FAR coverage on the preferential acquisition of supplies and services obtainable in the Republic of Panama as provided for in Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977. This supplementary material is identified as part 3570.

(3) Because the PAR implements the FAR only where further implementation is necessary, there are gaps in the PAR numbering and paragraphing sequence. For example, the PAR skips from part 3510 to part 3513, from subpart 3501.4 to subpart 3501.6, and from section 3501.301 to section 3501.303 because the FAR coverage at parts 11 and 12, subpart 1.5, and section 1.302, respectively, does not require further implementation. Similarly, section 3501.405 of the PAR begins at paragraph (d) because paragraphs (a), (b), and (c) at FAR 1.405 do not require further implementation.

(c) *References and citations.* (2) This regulation may be referred to as the Panama Canal Commission Acquisition Regulation or the PAR. References to PAR material outside this regulation may be cited in informal documents as PAR followed by the identifying number. For example, this subparagraph would be informally cited as PAR 3501.104–2(c)(2). In formal documents outside this regulation, such as legal briefs, references to PAR material should include reference to Title 48 of the Code of Federal Regulations. For example, this subparagraph would be formally cited as 48 CFR 3501.104–2(c)(2).

(3) References to FAR or PAR material within this regulation will be made as follows:

(i) FAR parts or subparts will be referred to in those terms followed by the identifying number—for example, FAR part 1; FAR subpart 1.1. FAR subdivisions below the subpart level (i.e., sections, subsections, paragraphs, subparagraphs, or subdivisions) will simply state FAR followed by the identifying number—for example, FAR 1.104–2(c)(3)(i).

(ii) PAR parts or subparts will be referred to only as part or subpart followed by the identifying number—for example, part 1; subpart 1.1. PAR subdivisions below the subpart level will simply indicate the identifying number—for example, this subdivision would be cited as 3501.104–2(c)(3)(ii).

3501.104–3 Copies.

Copies of the PAR in **Federal Register** and CFR form may be purchased from the Superintendent of Documents, Government Printing Office (GPO), Washington, DC 20402. Copies of the loose-leaf PAR are distributed within the Panama Canal Commission and may be obtained from the Administrative Services Division, Records Management Branch, telephone (507) 52–7642.

3501.105 OMB approval under the Paperwork Reduction Act.

The information collection and recordkeeping requirements contained in the PAR have been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511). OMB control number 3207–0007 is assigned to the following PAR sections:

PAR Sections

3513.107(a)(4)(i)
3513.107(a)(4)(ii)
3513.107(a)(4)(iii)
3513.107(a)(4)(iv)
3515.804–6
3536.571

Subpart 3501.2—Administration

3501.201 Maintenance of the FAR.

3501.201–1 The two councils.

(e)(2) The Commission's Procurement Executive, in consultation with the General Counsel, is responsible for overseeing the development of the agency position on proposed revisions to the FAR and responding to the FAR Secretariat when such action is appropriate.

Subpart 3501.3—Agency Acquisition Regulations

3501.301 Policy.

(a)(1) The Procurement Executive, in consultation with the General Counsel and such other agency officials as may be appropriate, is responsible for the development, preparation, and maintenance of PAR issuances by the Administrator. In addition, the Procurement Executive is authorized to issue internal policies, procedures, instructions, and guidelines to clarify or implement the FAR or PAR within the Commission. Such internal issuances are subject to review by the General Counsel.

(2) Heads of contracting activities and division chiefs are authorized to issue internal guidance of the type described in FAR 1.301(a)(2).

(b) Public participation in the promulgation of the PAR shall be in the same manner as specified for the FAR in FAR subpart 1.5. Where solicitation of public comment on significant revisions is impracticable prior to promulgation, the revisions may be set forth in temporary regulations. Comments will be solicited on the temporary regulations and considered prior to formulating the final regulations.

3501.303 Publication and codification.

(a) The PAR is codified as Chapter 35 in Title 48, Code of Federal Regulations.

(c) The PAR replaces the former part 87—Procurement, of the Panama Canal Administration and Regulations (PCAR), in its entirety.

3501.304 Agency control and compliance procedures.

(a) Whenever contracting activities and organizational components thereof wish to propose for publication in the **Federal Register** an agency acquisition regulation that they consider necessary to implement or supplement the FAR or PAR, they must prepare a memorandum that explains the need, background, justification, and significant aspects of the proposed regulation and send it to the Procurement Executive. The Procurement Executive and General Counsel will (1) review the proposed regulation to assure compliance with FAR part 1, and (2) either approve or disapprove it. If approved, the Procurement Executive will prepare the proposed regulation in **Federal Register** format for issuance by the Administrator.

Subpart 3501.4—Deviations from the FAR and PAR

3501.401 Definition.

A deviation from the PAR is defined in the same manner as a deviation from the FAR (see FAR 1.401).

3501.403 Individual deviations.

Requests for individual deviations from the FAR and the PAR shall be submitted by the Head of the Contracting Activity (HCA) through the General Counsel to the Procurement Executive for approval. Requests submitted shall cite the specific part of the FAR or PAR from which it is desired to deviate, shall set forth the nature of the deviation(s), and shall give the reasons for the action requested. The Procurement Executive shall transmit copies of approved individual FAR deviations to the FAR Secretariat.

3501.404 Class deviations.

Requests for class deviations to the PAR shall be submitted in advance by the HCA through the General Counsel to the Procurement Executive for processing in accordance with FAR 1.404 and this section. Requests submitted shall include the same type of information as required for individual deviations as prescribed in 3501.403. The Procurement Executive may approve class deviations to the FAR and the PAR and shall transmit copies of approved class FAR deviations to the FAR Secretariat as required by FAR 1.404.

3501.405 Deviations pertaining to treaties and executive agreements.

(d) The Procurement Executive is designated as the central control point within the Commission for transmittal of deviations from the FAR required to comply with treaties and executive agreements to which the United States is a party. Copies of the text of any deviation authorized in accordance with FAR 1.405 (b) or (c) shall be forwarded by the HCA to the Procurement Executive through the General Counsel for further transmittal to the FAR Secretariat.

(e) When a deviation required to comply with a treaty or executive agreement is inconsistent with FAR coverage based on law, the Procurement Executive shall forward a request for deviation to the FAR Secretariat for processing as required by FAR 1.405(e).

Subpart 3501.6—Contracting Authority and Responsibilities

3501.601 General.

(a) Commission contracting activities are established within the General Services Bureau for the acquisition of supplies and services, and the Engineering and Construction Bureau for the acquisition of construction, including architect-engineer services and other services related to construction. The Directors of these bureaus are designated by the Administrator as Heads of Contracting Activities and are the officials who have the authority and responsibility to appoint contracting officers to contract for authorized supplies and services, including construction and architect-engineer services, that fall within the scope of their respective contracting activities.

(b) In addition, bureau directors and heads of independent units are delegated contracting authority, not to exceed amounts established by the General Services Director, for the decentralized procurement of supplies and services on Division Purchase Orders (see 3513.505–71). This authority is granted to assist Commission activities in expediting minor purchases. Such authority may be redelegated pursuant to 3513.505–71(b)(1)(ii).

3501.602 Contracting Officers.

3501.602–3 Ratification of unauthorized commitments.

(a) *Definitions.*

Responsible contracting officer, as used in 3501.602–370, means the individual at the appropriate level of contracting authority who can execute any contractual document that may be required to formalize an unauthorized commitment. Depending on the circumstances, the term can apply to the existing contracting officer, the prospective contracting officer (when a purchase order or contract does not exist) or, in the case of a contracting officer who acted in excess of the limits of his delegated authority, the next individual in the chain of contracting authority who has the appropriate authority to execute the necessary contractual document.

(b) *Policy.* (1) Unauthorized commitments do not legally obligate the Commission for the expenditure of funds. If an unauthorized commitment would have been valid had it been authorized by a contracting officer acting within the limits of his delegated authority, then the unauthorized commitment may be ratified in accordance with the procedures prescribed in 3501.602–370. If an unauthorized commitment is otherwise improper, it cannot be ratified and the Commission must deny legal liability, in which case the individual who made the unauthorized commitment may be personally liable for such action.

(2) The cognizant Head of the Contracting Activity (HCA) is the ratification official for the approval of unauthorized commitments and the Procurement Executive is the reviewing official for such approvals. The HCA may ratify an unauthorized commitment only if:

(i) The conditions in FAR 1.602–3(c) are applicable, and

(ii) The Procurement Executive concurs with the proposed ratification.

3501.602–370 Procedures.

These procedures apply to all unauthorized commitments, whether written or oral and without regard to dollar value. Unauthorized commitments (other than claims to be processed in accordance with FAR subpart 33.2) shall be processed as follows:

(a) Whenever it is discovered that any person is performing or has performed work as a result of an unauthorized commitment, that person shall be advised by the cognizant contracting office that such work is being or was performed at that person's own risk pending establishment of valid contractual coverage.

(b) The individual who made the unauthorized commitment shall furnish to the responsible contracting officer all records and documents concerning the commitment and a complete, written statement of the facts including, but not limited to, a description of the work or product ordered; why the work or product was necessary to and for the benefit of the Commission; the estimated or agreed upon price; citation of funds available at time of commitment; the current status of performance by the actual or prospective contractor; the reason why normal acquisition procedures were not followed and, if a contract does not exist, a statement as to why the prospective contractor was selected including, if applicable, identification of other sources that were considered.

(c) The responsible contracting officer shall—

(1) Obtain from the head of the requisitioning office with appropriate approval authority:

(i) Affirmation that the Commission has or will obtain a benefit from the unauthorized commitment,

(ii) A written certification by the responsible funding certification officer that funds presently are available and were available at the time the unauthorized commitment was made, and when applicable,

(iii) A statement of corrective action that office will take to preclude repetition of the incident;

(2) Review and determine the adequacy of all facts, records, and documents furnished, and when necessary, obtain any additional material or information pertinent to the review and evaluation of the unauthorized commitment;

(3) Determine whether the price is fair and reasonable, and state in the record the reason therefor;

(4) Prepare, certify, and obtain any necessary written approval of a justification for other than full and open competition when required pursuant to FAR subpart 6.3;

(5) State in the record the corrective action to be taken to preclude repetition of the incident if the individual that made the unauthorized commitment is under the supervision of the responsible contracting officer; and

(6) Forward the request for ratification (i.e., all the information required in paragraphs (b) and (c) of this subsection) to the cognizant HCA, together with a written recommendation of an appropriate course of action including, at a minimum, a specific recommendation as to whether payment should be made and the reasons therefor.

(d) The cognizant HCA, upon receipt and review of the request for ratification file, shall determine whether ratification is in order. If so, the HCA shall forward the file to the Procurement Executive for review. If not, the HCA shall return the file to the responsible contracting officer, together with a written explanation for the decision and instructions for disposition of the case.

(e) The Procurement Executive shall review proposed ratifications submitted by HCAs. If the Procurement Executive concurs that ratification is in order, he shall obtain General Counsel concurrence that payment may be made and return the file to the cognizant HCA for that individual's ratification and subsequent return to the responsible contracting officer together with, when appropriate, instructions to issue a purchase order, contract, or contract modification, as applicable. If the Procurement Executive does not concur with the proposed ratification, he shall return the file to the HCA, together with a written explanation for the decision and instructions for disposition of the case. He will provide a copy to the General Counsel.

3501.603 Selection, appointment, and termination of appointment.

3501.603–1 General.

Heads of Contracting Activities may appoint as contracting officers one or more capable and qualified individuals of their respective staffs. These appointments may be made by memoranda delegating contracting authority, including any limitations to such authority, to positions or to named individuals. Appointments shall be evidenced by a "Certificate of Appointment", as required by FAR 1.603–3. If contracting authority is delegated to a position by memorandum, the "Certificate of Appointment" shall state the name of the individual assigned to the position.

3501.670 Legal review of proposed contract actions.

3501.670–1 Contract actions requiring legal review.

The following contract actions shall be submitted to the General Counsel for review for legal sufficiency:

(a) All proposed contracts with an estimated cost of $100,000 or more (in advance of issuance);

(b) All alleged mistakes in bids, other than apparent clerical mistakes that can be corrected pursuant to FAR 14.406–2;

(c) All determinations and findings required under the FAR;

(d) All proposed utility contracts;

(e) All proposed contracts containing insurance requirements not prescribed in the FAR or this PAR;

(f) In sealed bid procurements, all proposed awards to other than the lowest responsible and responsive bidder;

(g) Rejections of all bids and cancellations of invitations for bids;

(h) Proposed letter contracts;

(i) Written protests, whether before or after award;

(j) Unusual, novel, or unique proposed agreements, and unsolicited proposals that are to be negotiated pursuant to FAR subpart 15.5 and subpart 3515.5;

(k) Proposed ADP contracts of $25,000 or more when purchase is to be from other than a Federal Supply Service contract source;

(l) Termination actions, including pre-termination letters;

(m) All actions taken under the Disputes clause, including final decisions;

(n) Any action concerning suspension or debarment of an individual or concern;

(o) Deviations from the FAR or PAR;

(p) Any contract matter relating to litigation, disputes, or protest resolution before the courts of the United States or of the Republic of Panama, or before the Corps of Engineers Board of Contract Appeals or the Comptroller General of the United States;

(q) Determinations of nonresponsibility;

(r) Any proposed contract modification, including proceed orders, which may result in a change in the contract price of more than $25,000, or any proposed contract modification or proceed order granting a time extension of more than 20 calendar days;

(s) Any proposed contract modification resulting from either a contractor's settlement proposal under the Termination for Convenience clause, or a contractor's claim under the Suspension of Work clause, regardless of the contract value or the terms of the proposed modification;

(t) Freedom of Information Act and Privacy Act matters involving contractors or arising under or in relation to any contract;

(u) Administrative setoffs to recoup Government funds under any contract; and

(v) Requests for approval of advance payments on contracts other than those excluded in FAR 32.404.

3501.670-2 Documents to be submitted for legal review.

The following documents are to be submitted in connection with contract actions requiring legal review pursuant to 3501.670-1:

(a) For proposed construction contracts, a copy of the solicitation documents, excluding drawings, prior to the time they are furnished to prospective offerors, when feasible;

(b) For all other proposed contracts and agreements, a copy of the document to be used in the solicitation and/or award, including any other documents, excluding drawings, which support the proposed procurement action, prior to the time they are mailed to the prospective offerors, when feasible;

(c) For all other contract actions not specified in paragraph (a) or (b) of this subsection, a copy of the document itself and copies of all other documents, excluding drawings, relating to the action.

3501.670-3 General Counsel's legal review.

(a) The General Counsel shall conduct a review of the legal sufficiency of the contract action. The General Counsel shall provide to the contracting officer a written determination of whether the proposed action is legally sufficient, or the details of any insufficiency and a recommended course of action to overcome the insufficiency. A contracting officer shall not take action which is contrary to a written and timely determination of legal insufficiency from the General Counsel.

(b) The General Counsel shall complete the legal review as quickly as possible, with due regard to those procurement actions where circumstances dictate an unusually short period for completing the action.

PART 3502—DEFINITIONS OF WORDS AND TERMS

Authority: 40 U.S.C. 486(c); Article XI of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

Subpart 3502.1—Definitions

3502.101 Definitions.

Administrator means the chief executive officer of the Panama Canal Commission. The Administrator, subject to the direction and under the supervision of the Board of Directors, exercises general and active control over the Commission's offices, business and operations, and general supervision over its officials, agents, attorneys, and employees. As contemplated at FAR 2.101, unless otherwise indicated, "Administrator" also means the Commission's Deputy Administrator.

Agency head means the Administrator of the Panama Canal Commission.

Bureau Director means an official appointed by the Administrator to direct and manage one of the Commission's three operating bureaus.

Commission means the Panama Canal Commission.

Designated Agency Ethics Official means an individual appointed by the Administrator pursuant to the "Ethics in Government Act of 1978" to coordinate and manage the agency's ethics program and to act as the principal contact with the Office of Government Ethics.

Designated contractors (sometimes referred to as "special regime contractors") means:

(a) (1) Natural persons who are nationals or permanent residents of the United States, or

(2) Corporations or other legal entities organized under the laws of the United States, any state thereof, or the District of Columbia, and which are under the effective control of such natural persons—

(i) To whom contracts are awarded by the Panama Canal Commission for work to be performed in whole or in part in the Republic of Panama, and

(ii) Who are so designated in writing by the Commission.

(b) The term also includes subcontractors of designated contractors (1) who are nationals or permanent residents of the United States, or (2) which are corporations or other legal entities organized under the laws of the United States, any state thereof, or the District of Columbia, and which are under the effective control of United States nationals or permanent residents.

Head of Independent Unit means an official appointed by the Administrator to direct and manage one of the Administrator's staff offices.

Head of the Contracting Activity (HCA) means the General Services Director and the Engineering and Construction Director.

Implementing Agreement means the Agreement in Implementation of Article III of the Panama Canal Treaty (TIAS 10031), signed at Washington, DC on September 7, 1977.

Inspector General means the Office of the Inspector General.

Procurement Executive means an individual designated as the senior procurement executive pursuant to 41 U.S.C. 414(3), by the Administrator from members of his staff. The Procurement Executive is delegated agency-wide responsibility to oversee development of procurement systems, establish procurement policy, evaluate procurement system performance in accordance with approved criteria, carry out specific responsibilities as assigned in this PAR, enhance career management of the procurement work force, and certify to the Administrator that procurement systems meet approved criteria.

Treaty means the Panama Canal Treaty (TIAS 10030), signed at Washington, DC on September 7, 1977.

PART 3503—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Sec.

Subpart 3503.6—Contracts with Government Employees or Organizations Owned or Controlled by Them

Authority: 40 U.S.C. 486(c).

3503.000 Scope of part.

This part implements FAR part 3, cites Commission regulations on employee responsibilities and conduct, establishes responsibility for reporting violations and related actions, and provides for authorization of exceptions to policy.

Subpart 3503.1—Safeguards

3503.101 Standards of conduct.

3503.101–3 Agency regulations.

Commission regulations on Employee Responsibilities and Conduct are contained in the Commission's "Employee Code of Conduct". All personnel involved in acquisition actions shall become familiar with the statutory and regulatory prohibitions governing employee conduct. Any problems or questions concerning standards of conduct shall be referred to the Designated Agency Ethics Official.

3503.103 Independent pricing.

3503.103–2 Evaluating the certification.

(b)(3) Whenever an offer is rejected under FAR 3.103–2, or the Certificate of Independent Price Determination is suspected of being false, the contracting officer shall report the situation to the General Counsel through the cognizant Head of the Contracting Activity for referral to the Attorney General in accordance with FAR 3.303.

Subpart 3503.2—Contractor Gratuities to Government Personnel

3503.203 Reporting suspected violations of the Gratuities clause.

Any Commission employee who suspects that a violation of the Gratuities clause has occurred shall immediately report the suspected violation to the cognizant Head of the Contracting Activity. Upon being notified of the suspected violation, the HCA shall inform the Designated Agency Ethics Official and the Procurement Executive, by written memorandum, of the pertinent details of the suspected violation.

3503.204 Treatment of violations.

(b) When the HCA determines that there is probable cause to believe that a violation of the Gratuities clause has been committed, the case shall be handled as provided in the Commission debarment and suspension procedures in subpart 3509.4.

(c) The final decision as to which remedies the Commission may pursue if a violation of the Gratuities clause is found by the Debarment Committee (see 3509.406–3(b)), is reserved to the Administrator.

Subpart 3503.3—Reports of Suspected Antitrust Violations

3503.301 General.

(b) The contracting officer shall report any suspected violations of antitrust laws to the General Counsel through the cognizant Head of the Contracting Activity for referral to the Attorney General and the Commission's Debarment Committee in accordance with FAR subpart 3.3.

Subpart 3503.4—Contingent Fees

3503.408 Evaluation of the SF 119.

3503.408–1 Responsibilities.

(b) The contracting officer's documentation of the evaluation of the Standard Form 119, Statement of Contingent or Other Fees, conclusions, and any proposed actions shall be reviewed by the cognizant Head of the Contracting Activity in coordination with the General Counsel.

3503.409 Misrepresentations or violations of the Covenant Against Contingent Fees.

(a) Commission personnel who suspect or have evidence of attempted or actual exercise of improper influence, misrepresentations, or violations of the Covenant Against Contingent Fees shall report the matter promptly to the Designated Agency Ethics Official and the cognizant Head of the Contracting Activity.

Subpart 3503.5—Other Improper Business Practices

3503.502 Subcontractor kickbacks.

3503.502–2 General.

Any Commission employee who suspects that a violation of the Anti-Kickback Act has occurred shall immediately report the suspected violation to the Designated Agency Ethics Official and the cognizant Head of the Contracting Activity. Suspected violations shall be treated in accordance with the debarment and suspension procedures at subpart 3509.4.

Subpart 3503.6—Contracts with Government Employees or Organizations Owned or Controlled by Them

3503.600–70 Scope of subpart.

This subpart implements and supplements FAR subpart 3.6 and sets forth Commission policy and procedures for identifying and dealing with conflicts of interest and improper influence or favoritism in connection with contracts involving current or former Commission employees. This subpart does not apply to agreements with other departments or agencies of the Federal Government.

3503.600–71 Definitions.

Commission employee means:

(a) Any officer or employee of the Panama Canal Commission who is employed or appointed, with or without compensation, to serve more than 130 days during any period of 365 consecutive days, or

(b) Any officer or employee of the Commission who is retained, designated, appointed or employed to perform, with or without compensation, temporary duties either on a full-time or intermittent basis for not more than 130 days during any period of 365 consecutive days and who actually served more than 60 days during such 365-day period.

3503.601 Policy.

Except as authorized at 3503.602 or excluded at 3503.670, no contract shall be awarded without competition to a—

(a) Former Commission employee (or to a business concern or other organization owned or substantially owned or controlled by a former Commission employee) whose employment terminated within 365 calendar days before submission of an offer to the Commission; or

(b) Prospective contractor which employs, or proposes to employ, a current Commission employee or a former Commission employee whose employment terminated within 365 calendar days before submission of an offer to the Commission, if either of the following conditions exist:

(1) The current or former Commission employee is or was involved in developing or negotiating the offer for the prospective contractor.

(2) The current or former Commission employee will be involved directly or indirectly in the management, administration, or performance of the contract.

3503.602 Exceptions.

(a) The Director, Office of Executive Administration in his capacity as the Designated Agency Ethics Official may authorize an exception, in writing, to the policy in FAR 3.601 and 3503.601 for the reasons stated in FAR 3.602, if the exception would not involve a violation of 18 U.S.C. 203, 18 U.S.C. 205, 18 U.S.C. 207, 18 U.S.C. 208, section 27 of the Office of Federal Procurement Policy Act, or Commission regulations in the "Employee Code of Conduct". The Director, Office of Executive Administration shall consult with the cognizant Bureau or Staff Director who originated the request and with the General Counsel before authorizing any exceptions.

(b) This subpart does not apply to subcontracts, that is, agreements to undertake part of the work as an independent contractor. However, where subcontracts essentially create an "employer-employee" relationship between the Commission and the subcontractors, the subpart shall apply. In determining whether such a relationship exists, the contracting officer shall generally be guided by the standards of Chapter 304, Subchapter 1–4 of the "Federal Personnel Manual" in distinguishing between employees and independent contractors.

3503.603 Responsibilities of the contracting officer.

Before awarding a contract, the contracting officer shall obtain an authorization under 3503.602 for any of the reasons stated in FAR 3.603.

3503.670 Exclusions.

Former or current Commission employees who participated personally and substantially in the conduct of any Commission procurement of supplies or services, including those who were responsible for reviewing and approving the award, modification, or extension of any contract for such procurement, are excluded from the 365 calendar day "before submission of an offer" time period specified in 3503.601 (a) and (b). Instead, the time period for such employees shall be two years after the last date the employee participated personally and substantially in the conduct of any Commission procurement of supplies or services, or personally reviewed and approved the award, modification, or extension of any contract for such procurement. This two-year prohibition applies irrespective of whether the contract being sought is on a competitive or noncompetitive basis.

PART 3504—ADMINISTRATIVE MATTERS

Subpart 3504.6—Contract Reporting

Sec.
3504.602 Federal Procurement Data System.
3504.903 Procedures.

Authority: 40 U.S.C. 486(c).

Subpart 3504.6—Contract Reporting

3504.602 Federal Procurement Data System.

(b) As indicated in the FPDS Reporting Manual, the Commission is exempt from the reporting requirements of the Federal Procurement Data System, except for the procurement data that is required to be provided in accordance with Public Law 96–39 (Trade Agreements Act of 1979) as prescribed by OFPP Policy Letter 80–8 (as amended).

3504.903 Procedures.

The Commission will report the information required under FAR 4.902(b) directly to the IRS.

Subchapter B—Competition and Acquisition Planning

PART 3505—PUBLICIZING CONTRACT ACTIONS

Sec.
3505.000 Scope of part.

Subpart 3505.2—Synopses of Proposed Contract Actions

3505.202 Exceptions.

Subpart 3505.5—Paid Advertisements

3505.502 Authority.
3505.503 Procedures.
3505.503–70 Authorization.

Authority: 40 U.S.C. 486(c); Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

3505.000 Scope of part.

This part implements FAR part 5 and provides Commission policies and procedures for publicizing contract opportunities, and provides for an additional exception to the requirements for use of "Commerce Business Daily" notices.

Subpart 3505.2—Synopses of Proposed Contract Actions

3505.202 Exceptions.

(a)(13) The contract action is one for which participation in the acquisition will be limited to sources in Panama pursuant to the conditions prescribed in 3570.102(e). The Procurement Executive will monitor and maintain a record of proposed contract actions that are exempt from the notice requirements of FAR 5.201 by operation of this exception.

Subpart 3505.5—Paid Advertisements

3505.502 Authority.

(a) *Newspapers.* Authority to approve the publication of paid advertisements in newspapers is vested in the HCA or designee.

3505.503 Procedures.

(a) *General.* When there is a reasonable probability that supplies or services (including construction) are available in Panama that are comparable in quality and price to those which may be obtained from other sources, and when local advertising is reasonably practical, the contracting officer shall request authorization from the HCA or designee to advertise the procurement action within the appropriate Panamanian market. The request for authorization shall include—

(1) A description of the proposed procurement action and the supplies or services to be procured;

(2) A description of how the determination was made that the Panamanian preference may apply; and

(3) A summary of how the appropriate advertising market was identified.

3505.503–70 Authorization.

The HCA or designee shall review the request for authorization of paid advertising and, if concurring, shall grant authorization in writing to the contracting officer to proceed. The written authorization shall specify any limitations on the advertising that are deemed appropriate. The HCA shall furnish a copy of each such authorization to the Procurement Executive.

PART 3506—COMPETITION REQUIREMENTS

Sec.
3506.000 Scope of part.

Subpart 3506.3—Other Than Full and Open Competition

3506.300 Scope of subpart.
3506.302–4 International agreement.
3506.303 Justifications.
3506.303–1 Requirements.
3506.303–2 Content.
3506.304 Approval of the justification.
3506.304–70 Class justifications.

Subpart 3506.5—Competition Advocate

3506.501 Requirement.

Authority: 40 U.S.C. 486(c); Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

3506.000 Scope of part.

This part implements FAR part 6 and prescribes Commission policies and procedures related to competition requirements.

Subpart 3506.3—Other Than Full and Open Competition

3506.300 Scope of subpart.

This subpart provides guidance on:

(a) The application of the Panama Canal Treaty of 1977 between the United States and Panama as an exemption to the requirement for full and open competition, and

(b) The preparation and approval of individual and class Justifications for Other Than Full and Open Competition (JOFOC's).

3506.302-4 International agreement.

(a) *Authority.* Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977 establishes that the Commission shall give preference to Panamanian supplies and services in its procurement activities. Such preference is understood to mean that if supplies or services (including construction) of comparable quality and price are available when required and can be obtained from sources both within and without the Republic of Panama, preference shall be afforded to those sources within the Republic of Panama to the maximum extent possible. When choosing between goods from sources within the Republic of Panama, preference shall be given to those with a larger percentage of components of Panamanian origin. This is not intended to require the purchase of Panamanian supplies and services, as defined herein, where superior quality or lower prices are available from other sources. Part 3570 sets forth specific guidance and policy with respect to the Commission's implementation of Article IX.

(c) *Limitations.* Solicitations above the small purchase limitation that are intended for exclusive acquisition from sources in Panama shall be supported by a class or individual determination and findings as required by 3570.102(e).

3506.303 Justifications.

3506.303-1 Requirements.

(c) The scope of the actual procurement shall not exceed the scope of the proposed procurement cited in the JOFOC. If a change to the contract exceeds this limitation, the contract change shall not be consummated until an amended JOFOC has been approved.

(d) When contract actions are subject to the Agreement on Government Procurement and the authority of FAR 6.302-3(a)(2)(i) or 6.302-7 is being cited as the basis for not providing full and open competition, a copy of the justification shall be forwarded to the Procurement Executive as the point of contact with the Office of the United States Trade Representative.

3506.303-2 Content.

In addition to the requirements of FAR 6.303-2, the justification shall include—

(a) The type of contract;

(b) A statement of delivery requirements;

(c) The total estimated dollar value, including options, for the acquisitions covered by the justification; and

(d) A copy of the approved Acquisition Plan when the acquisitions meet the criteria for a written Acquisition Plan under subpart 3507.1.

3506.304 Approval of the justification.

(a) Except as noted at FAR 6.304(b), the approval of a justification for other than full and open competition shall be in writing and at the levels given below—

(1) For a proposed contract not exceeding $100,000, the HCA is the approval authority. This approval is not required when the contract is one of those cited in FAR 6.304(a)(1) (i) through (iv).

(2) For a proposed contract over $100,000, but not exceeding $1,000,000, the Competition Advocate is the approval authority.

(3) For a proposed contract over $1,000,000, but not exceeding $5,000,000, the Procurement Executive is the approval authority.

(4) For a proposed contract over $5,000,000, the Administrator is the approval authority.

(b) Contracting officers shall consult with the Competition Advocate prior to submitting any justification for approval pursuant to paragraph (a) of this section.

3506.304-70 Class justifications.

(a) Class justifications shall be approved in the same manner as individual justifications. To determine the approval level for a class justification, the aggregate estimated dollar value of all actions contemplated for one year shall be used to establish the appropriate dollar threshold for approval.

(b) The following are examples of appropriate class justifications:

(1) A basic ordering agreement (BOA) including all orders to be issued under the BOA for the term of the BOA;

(2) Contracts to be awarded to more than one contractor to provide Government-furnished property for assembly into an end item, in which case the circumstances of the class justification must justify all the contracts proposed under the justification.

(c) Requests for approval at any level must be submitted to the approval authority before release of the solicitation. The solicitation shall not be released until the justification is approved in writing (but see FAR 6.303-1(e)).

(d) The Procurement Executive shall maintain a list of products, materials, and services that have been granted a class justification for exclusive acquisition from sources in Panama (see 3506.302-4(c)).

Subpart 3506.5—Competition Advocate

3506.501 Requirement.

The Administrator shall designate in writing one Competition Advocate who shall serve as the agency and procuring activities competition advocate for all Commission acquisitions.

PART 3507—ACQUISITION PLANNING

Subpart 3507.1—Acquisition Plans

Sec.

3507.103 Agency-head responsibilities.

Subpart 3507.3—Contractor Versus Government Performance

3507.301 Policy.

Authority: 40 U.S.C. 486(c).

Subpart 3507.1—Acquisition Plans

3507.103 Agency-head responsibilities.

(c)(1) Formal acquisition planning provided at FAR subpart 7.1 is primarily designed for complex and costly acquisitions. However, the disciplines of the prescribed planning process are useful to all acquisitions, even if on a less formal basis.

(2) Written acquisition plans shall be prepared for—

(i) All development (see FAR 35.001) acquisitions whose estimated contractual cost is $1,000,000 or more annually;

(ii) Supply, service, and construction acquisitions whose estimated contractual cost is $3,000,000 or more for any fiscal year. Excluded are repetitive requirements-type and fuel contracts.

(d) The Acquisition Plan (AP) shall include all subsystems, Government-furnished property, major component contractual actions, and all other contracts which have a significant effect on the total program.

(f) The planner for acquisitions requiring a formal, written plan shall be

the program manager or other official having overall responsibility for the program concerned.

(g)(1) The planner shall obtain the written concurrence of the appropriate contracting officer for each acquisition plan.

(2) The Head of the Contracting Activity shall review and approve the acquisition plan and ensure that (i) the objectives of the AP are realistic and achievable, and (ii) solicitations and contracts are appropriately structured to equitably distribute the technical, financial, and business risks, considering the phase of the acquisition, the technical requirements, and business and legal constraints.

(3) Acquisition plans shall be furnished by the cognizant HCA to the Procurement Executive.

(j) When a need is urgent enough to require an unusually compressed delivery or performance schedule, and the preparation of a detailed written AP would interfere with the successful meeting of that schedule, the Procurement Executive may waive appropriate requirements of FAR subpart 7.1 and this subpart 3507.1. The waiver shall be in writing and shall specifically designate those requirements that are waived.

Subpart 3507.3—Contractor Versus Government Performance

3507.301 Policy.

(a) For the purposes of OMB Circular No. A–76, a commercial source is defined as "a business or other non-Federal activity located in the United States, its territories and possessions, the District of Columbia or the Commonwealth of Puerto Rico, which provides a commercial product or service." Accordingly, by virtue of the Commission's location in the Republic of Panama, FAR subpart 7.3 is not applicable to the Panama Canal Commission because commercial services would have to be contracted out to sources located in Panama. Commission policy regarding commercial services to be contracted out to sources in Panama is set forth in paragraph (b) of this section.

(b) Commercial work and services shall be contracted out when there are available reliable local contractors and the expected cost is beneficial to the Commission. However, when commercial work/service to be done requires skills that the Commission should have and/or develop, then a careful evaluation shall be made before such work/service is contracted outside the agency. The cognizant Head of the Contracting Activity shall be the approving official for commercial work and services to be contracted out pursuant to this policy.

PART 3508—REQUIRED SOURCES OF SUPPLIES AND SERVICES

Sec.

Subpart 3508.4—Ordering From Federal Supply Schedules

Authority: 40 U.S.C. 486(c); Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

3508.001 Priorities for use of Government supply sources.

(a) Under Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977, the Panama Canal Commission is required under certain conditions to give preference, to the maximum extent possible, to procuring supplies and services obtainable in Panama (see 3506.302–4(a), subpart 3525.8, and part 3570). Therefore, when supplies or services are to be procured from sources in Panama under the preference requirement of Article IX, the mandatory use of sources for a like item of supply or service, as required by FAR part 8, shall not be applicable.

Subpart 3508.4—Ordering from Federal Supply Schedules

3508.404 Using schedules.

3508.404–1 Mandatory use.

When supplies or services are procured from sources in Panama under the preference requirement of Article IX, as stated in 3508.001(a), the mandatory use of a Federal Supply Schedule for a like item of supply or service shall not be applicable. When a procurement is not made under the Panamanian preference of Article IX, and delivery or performance is to be made in Panama, the mandatory supply schedule should be carefully evaluated for the following exceptions to mandatory use:

(d) *Geographic coverage.* Each Federal Supply Schedule delineates the specific geographic area for which it is mandatory for use. The geographic area applies to the location where final delivery of the supplies is to be made, or the service to be performed, and not to the location of the ordering office. In most cases, the Republic of Panama will not be within the geographic limitations of the schedule and mandatory use will not be applicable. The mandatory use provisions of FAR 8.4 and 41 CFR 101–26.4 are applicable to Commission offices located in the United States when ordering supplies or services to be delivered or performed in the United States for their own use.

(e) *Lower prices for identical items.* The Commission may purchase products from any source pursuant to the conditions set forth in FAR 8.404–1(e).

PART 3509—CONTRACTOR QUALIFICATIONS

Sec.

Subpart 3509.1—Responsible Prospective Contractors

Subpart 3509.2—Qualification Requirements

Subpart 3509.4—Debarment, Suspension, and Ineligibility

Subpart 3509.5—Organizational Conflicts of Interest

Authority: 40 U.S.C. 486(c).

3509.000 Scope of part.

This part implements FAR part 9 and provides Commission policy and procedures pertaining to: contractor's responsibility; debarment, suspension, and ineligibility; qualified products; and organizational conflicts of interest.

Subpart 3509.1—Responsible Prospective Contractors

3509.104–3 Application of standards.

(c) *Satisfactory performance record.* If the contracting officer invokes the presumption of nonresponsibility required by FAR 9.104–3(c), the contracting officer shall give notice, together with the reasons for invoking

the presumption, to the Procurement Executive.

3509.106 Preaward surveys.

3509.106-70 Professional type services preaward surveys.

(a) Generally, preaward surveys are not performed for acquisition of professional type services such as those provided by medical doctors, lawyers or other licensed and/or regulated professions.

(b) To assist in making a determination of responsibility for professional type services, the types of information listed below shall be obtained from the offeror when applicable:

(1) Organizational structure and plan contemplated to accomplish the service;

(2) Summary of experience in performing the same or similar service;

(3) Resumes of key personnel with particular emphasis on academic accomplishments pertinent to the service to be performed;

(4) Evidence of professional liability insurance, or evidence such insurance can be obtained;

(5) Membership in professional organizations;

(6) Information on pertinent state and local licenses; and

(7) Information on the firm or key individuals that reflect their status or professional recognition in their field of endeavor, such as awards and published articles in professional journals or magazines.

(c) When the statement of work includes a review of credentials by the requiring activity, this review should be considered a part of the preaward survey, and other information requested from the offeror should be minimized.

Subpart 3509.2—Qualification Requirements

3509.202 Policy.

(a)(1) The contracting officer shall ensure that the written justification required by FAR 9.202(a)(1) is prepared prior to establishing a requirement for testing or other quality assurance demonstration that must be completed by an offeror before the offeror is awarded a contract.

3509.206 Acquisitions subject to qualification requirements.

3509.206-1 General.

(b) The contracting officer is designated to make the determination required by FAR 9.206-1(b).

Subpart 3509.4—Debarment, Suspension, and Ineligibility

3509.404 Parties excluded from procurement programs.

(c) The Chairman of the Debarment Committee (see 3509.406-3(b)) shall carry out the actions required by FAR 9.404(c).

3509.406 Debarment.

3509.406-1 General.

(a) The Administrator shall be the Commission debarring official.

3509.406-2 Causes for debarment.

In addition to the causes listed in FAR 9.406-2, the use of a Panama Canal Commission employee or a member of the Commission's Board of Directors as an agent or advocate for a Commission contractor, or prospective contractor, shall be a cause for debarment.

3509.406-3 Procedures.

(a) *Investigation and referral.* (1) Any Commission employee who suspects that a violation possibly warranting debarment may have occurred shall immediately report the suspected violation to the General Counsel.

(i) Any Commission employee who discovers that a debarred individual or firm has reestablished itself under a new name shall immediately notify the General Counsel directly or through appropriate channels.

(ii) Any Commission employee having information relating to a Commission employee acting for or otherwise representing a contractor doing business with the Commission shall immediately notify the General Counsel.

(2) Upon being notified of a suspected violation, the General Counsel shall refer the matter to the Inspector General for investigation and shall notify the contracting officer and the HCA.

(3) The contracting officer shall, in coordination with the Inspector General and the General Counsel, assemble all pertinent information and prepare a report containing all available evidentiary material, including copies of indictments and conviction notices when applicable, and the names of any affiliates and their officers associated with a contractor suspected of a violation.

(4) The contracting officer shall submit the report through the HCA to the Debarment Committee.

(5) Any recommendation by the HCA, including a recommendation not to debar, shall be submitted with rationale to the Debarment Committee along with the contracting officer's report.

(b) *Decisionmaking process.* (1) The Debarment Committee shall consist of:

(i) Voting members—

(A) Chairman—A member appointed in writing by the Procurement Executive. The Chairman shall receive nominations for membership on the Committee as follows:

(B) Member—Office of General Counsel,

(C) Member—Engineering and Construction Bureau,

(D) Member—General Services Bureau, and

(E) Member—Office of Executive Administration;

(ii) Nonvoting Members—

(A) Recording Secretary, to be appointed by the Chairman, and

(B) Legal advisor (who shall be nominated by the General Counsel and who shall always be someone other than the Office of General Counsel voting member).

(2) Upon review of the report submitted by the contracting officer, the Debarment Committee shall review all available information and recommend debarment action when warranted by the facts. If necessary, additional information may be solicited from appropriate sources.

(3) Where actions are not based upon a conviction or judgment, or where there is a genuine dispute over the facts, an opportunity shall be provided to the contractor to appear before the Committee, be represented by counsel, submit evidence, and confront witnesses, as prescribed in FAR 9.406-3(b)(2)(i).

(4)(i) If the Committee recommends debarment, a memorandum setting forth the facts which establish the basis for the recommendation shall be submitted to the debarring official recommending the period of debarment, consistent with FAR 9.406-4, and the supporting reasons.

(ii) A notice of proposal to debar, addressed to each company, affiliate, and individual involved in the violation, shall accompany the memorandum to the debarring official.

(5) The debarring official shall take the actions required by FAR 9.406-3 (c), (d), and (e).

(6) These procedures apply equally to U.S., Panamanian, and third country nationals or firms contracting with the Panama Canal Commission.

(7) The Commander in Chief, Southern Command (USCINCSO) shall be notified of any Commission debarment or suspension decision made pursuant to 3509.406-3 or 3509.407-3. The USCINCSO maintains a consolidated list of contractors in Central and South America to whom contracts will not be

awarded and from whom bids or proposals will not be solicited.

3509.407 Suspension.

3509.407-3 Procedures.

The investigation, decision, and notice procedures established in 3509.406-3 for debarment also apply to suspension actions. Notice of Suspension shall be provided to USCINCSO as indicated in 3509.406-3(b)(7).

Subpart 3509.5—Organizational Conflicts of Interest

3509.500 Scope of subpart.

This subpart establishes Commission policy and procedures for identifying, evaluating, and resolving organizational conflicts of interest. It is the Commission's policy to avoid, neutralize, or mitigate organizational conflicts of interest. If the Commission is unable to neutralize or mitigate the effects of a potential conflict of interest, it will disqualify the prospective contractor or will terminate the contract when potential or actual conflicts are identified after award.

3509.502 Applicability.

This subpart applies to all Commission contracts except agreements with other Federal agencies.

3509.503 Waiver.

The Commission's General Counsel is designated as the authority to waive any general rule or procedure of this subpart by determining that its application in a particular situation would not be in the Commission's interest. Any request for waiver must be in accordance with FAR 9.503.

3509.504 Contracting officer responsibilities.

(a) Contracting officers will be responsible for determining the existence of actual and potential organizational conflicts of interest which would result from the award of the contract. The contracting officer will be guided by information submitted by offerors and by the contracting officer's own judgment. The contracting officer may obtain the advice of legal counsel and the assistance of technical specialists in evaluating potential organizational conflicts.

(b) If it is determined that organizational conflicts of interest will be created by the award of the contract, the contracting officer may find an offeror nonresponsible.

(c) Notwithstanding the existence of organizational conflicts of interest, it may be determined that the award of the contract would be in the best interest of the Commission. In that case, the contracting officer may, with the approval of the cognizant Head of the Contracting Activity, set terms and conditions which will reduce the organizational conflicts of interest to the greatest extent possible.

(d) The contracting officer shall, in addition to any certifications required by this subpart, require in all solicitations for consulting services that the offeror submit as part of an offer a statement which discloses all relevant facts relating to existing or potential organizational conflicts of interest surrounding the contract, including disclosure of such conflicts of interest with respect to proposed subcontractors.

3509.506 Information sources.

(a) *Disclosure.* At the request of the contracting officer, prospective Commission contractors responding to solicitations or submitting unsolicited proposals shall provide information to the contracting officer for use in identifying, evaluating, or resolving potential organizational conflicts of interest. The submittal may be a certification or a disclosure, pursuant to paragraphs (a)(1) or (2) of this section.

(1) If the prospective contractor is not aware of any information bearing on the existence of any organizational conflict of interest, the contractor shall so certify.

(2) Prospective contractors not certifying in accordance with paragraph (a)(1) of this section must provide a disclosure statement which describes concisely all relevant facts concerning any past, present, or planned interests relating to the work to be performed and bearing on whether they, including their chief executives, directors, or any proposed consultant or subcontractor, may have a potential organizational conflict of interest.

(b) *Failure to disclose information.* Any prospective contractor failing to provide full disclosure, certification, or other required information will not be eligible for award. Nondisclosure or misrepresentation of any relevant information may also result in disqualification from award, termination of the contract for default, or debarment from Government contracts, as well as other legal action or prosecution. In response to solicitations requesting the information in paragraph (a) of this section, the Commission will consider any inadvertent failure to provide disclosure certification as a "minor informality" (as explained in FAR 14.405); however, the prospective contractor must correct the omission promptly.

(c) *Exception.* When the contractor has previously submitted a conflict of interest certification or disclosure for a contract, only an update of such statement is required when the contract is modified.

3509.507 Procedures.

(a) The contracting officer shall document in writing the resolution of any potential or actual conflicts of interest identified. This documentation shall be reviewed and approved by the General Counsel prior to award. If the organizational conflict of interest cannot be resolved, the contracting officer shall disqualify the prospective contractor from receiving the contract award.

(b) The General Counsel shall review and make the final decision required at FAR 9.507(c)(4) on any contractor request for higher review of the contracting officer's decision.

3509.508 Solicitation provision and contract clause.

3509.508-1 Solicitation provision.

The contracting officer shall insert the provision at 3552.209-70, Organizational Conflict of Interest Certification/Disclosure in solicitations that in the contracting officer's judgment may be susceptible to organizational conflicts of interest.

3509.508-2 Contract clause.

The contracting officer shall insert the clause at 3552.209-71, Organizational Conflict of Interest, in solicitations and contracts that will include the provision at 3552.209-70, Organizational Conflict of Interest Certification/Disclosure.

PART 3510—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

Sec.
3510.001 Definitions.
3510.004 Selecting specifications or descriptions for use.
3510.004-70 Brand name or equal purchase descriptions.
3510.007 Deviations.
3510.011 Solicitation provisions and contract clauses.

Authority: 40 U.S.C. 486(c).

3510.001 Definitions.

Salient characteristics mean those particular characteristics that specifically describe the essential physical and/or functional features of a brand name product. They are those essential physical and/or functional features which are identified in the specifications as a mandatory requirement which a proposed "equal" product must possess in order for the

product to be considered responsive. The term excludes those physical and/or functional features of a brand name product that:

(a) Are not essential to the needs of the Commission, or

(b) Do not affect the suitability of the product for its intended use.

3510.004 Selecting specifications or descriptions for use.

3510.004-70 Brand name or equal purchase descriptions.

(a) Purchase descriptions which contain references to one or more brand name products followed by the words "or equal" may be used only under the conditions indicated in FAR 10.004(b) (2) and (3) and shall be in accordance with this subsection. The office initiating the "brand name or equal" purchase request is responsible for documenting to the contracting officer's satisfaction that the conditions for its use are valid. Where feasible, all known acceptable brand name products should be referenced.

(b) The words "or equal" should not be added when the contracting officer has determined, with the concurrence of the General Counsel and the signed approval of the cognizant HCA, that only a particular product meets the essential requirements of the Commission.

(c) Brand name or equal purchase descriptions shall include, in addition to those characteristics set forth in FAR 10.004(b)(1) to the extent they are applicable, the following type of information to clearly identify the specific item named by brand(s) and its salient characteristics:

(1) Complete common generic identification of the item required;

(2) Applicable model, make, or catalog number for each brand name product referenced, and identity, if applicable, of the commercial catalog in which it appears;

(3) Name of manufacturer, producer, or distributor of each brand name product reference (and address if company is not well known); and

(4) All salient characteristics of the brand name product or products which have been determined by the initiating office, with the concurrence of the contracting officer, to be essential to meet the Commission's minimum physical and/or functional requirements. The purchase description shall state or otherwise indicate that the salient characteristics are mandatory features which proposed equal products must possess in order to be considered responsive.

(d) Except as provided in paragraph (e) of this subsection, when a brand name or equal purchase description is included in a solicitation, the following shall be inserted after each item so described in the solicitation schedule for completion by the offeror:

To be completed by offeror:
Manufacturer's Name: _____
Manufacturer's Address: _____
Brand Name of Product (if any): _____

Note: Offerors are cautioned and advised to read provision 3552.210-70, Brand Name Products or Equal, located elsewhere in this solicitation, prior to completing the above. As indicated therein, offerors proposing to furnish an "equal" product must furnish all descriptive material necessary to determine the acceptability of such product.

(e) Where component parts of an end item are described in the solicitation by a brand name or equal purchase description and the contracting officer determines that application of the provision at 3552.210-70 to such component parts would be impracticable, the requirements of paragraph (d) of this subsection and 3510.011(h) shall not apply with respect to such component parts. However, if the provision is included in the solicitation for other reasons, there shall also be included in the solicitation a statement to identify either the component parts (described by brand name or equal purchase descriptions) to which the provision applies or those to which it does not apply. Depending upon whether the former or latter alternative is used, the statement should be substantially as follows:

The provision 3552.210-70, Brand Name Products or Equal, located elsewhere in this solicitation, applies to the following component parts: (List the component parts to which the provision applies.)

or

The provision 3552.210-70, Brand Name Products or Equal, located elsewhere in this solicitation, does not apply to the following component parts: (List the component parts to which the provision does not apply.)

This paragraph (e) also applies to accessories related to an end item where a brand name or equal purchase description of the accessories is a part of the description of the end item.

(f) When considered appropriate by the contracting officer, solicitations incorporating brand name or equal purchase descriptions may require the submission of offer samples in the case of offerors proposing to furnish "equal" products; such samples shall not be required from offerors who offer brand name products referenced in purchase descriptions.

(g) Offers proposing to furnish products other than those specifically referenced by brand name shall be considered for award when the contracting officer determines under provision 3552.210-70 that the offered products meet the salient characteristics identified in the purchase description. Offers shall not be rejected as nonresponsive for failure of the product to equal a characteristic of a brand name product if such characteristic was not specified as a salient characteristic in the brand name or equal purchase description. However, if it is clearly established that the unspecified characteristic is essential to the intended use, the solicitation is defective and no award shall be made. In such cases, the contracting officer should resolicit the requirements, using a purchase description that sets forth all salient characteristics.

(h) The brand name or equal policies and procedures in this subsection may be used in small purchase acquisitions to the extent that they are applicable and practicable.

(i) This subsection is not applicable to construction contracts since the use of equal equipment, materials, articles, or processes are covered by FAR clause 52.236-5, Material and Workmanship.

3510.007 Deviations.

Heads of Contracting Activities are designated to authorize the deviations permitted under FAR 10.007 and are responsible for ensuring that the actions required by FAR 10.007 are accomplished.

3510.011 Solicitation provisions and contract clauses.

(h) The contracting officer shall insert the provision at 3552.210-70, Brand Name Products or Equal, in solicitations that call for the delivery of a brand name or equal product, selecting the language that is appropriate for (1) invitation for bids, or (2) requests for proposals, as parenthetically indicated in the provision. (However, see 3510.004-70(e) regarding the applicability of the provision to component parts of an end item and to accessories related to an end item.)

Subchapter C—Contracting Methods and Contract Types

PART 3513—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

Sec.

Subpart 3513.2—Blanket Purchase Agreements

Subpart 3513.5—Purchase Orders

Authority: 40 U.S.C. 486(c).

3513.000 Scope of part.

This part implements and supplements FAR part 13 and provides Commission policies and procedures relating to small business-small purchase set-asides, blanket purchase agreements, and purchase order forms.

Subpart 3513.1—General

3513.105 Small business-small purchase set-asides.

(a) The requirements of Public Law 95–507 relating to setting aside acquisitions of supplies or services with an anticipated dollar value of $25,000 or less do not apply to such purchases when delivery or performance is to be made to or within the Republic of Panama. The requirements do apply to Commission offices located in the United States for the purchase of supplies or services for their own use and not for delivery or performance in Panama.

3513.107 Solicitation and evaluation of quotations.

(a) *Forms.* (4) The following Commission forms may be used by the Logistical Support Division in lieu of Standard Form 18 for requesting small purchase price quotations:

(i) *Panama Canal Form No. 1821, Request For Quotation.* This form may be used by the Purchasing and Contracts Branch for the solicitation of nonstock items and services. It must be used in conjunction with forms 7071 and 7074 (see paragraph (a)(4)(iv) of this section).

(ii) *Panama Canal Form No. 1822, Request For Quotation Continuation.* This form may be used with Panama Canal Form No. 1821 when additional space is needed.

(iii) *Panama Canal Form No. 2008, This Is A Request For Prices; It Is Not An Order.* This form may be used by the Inventory Management Branch for the solicitation of standard stock items. It must be used in conjunction with forms 7071 and 7074 (see paragraph (a)(4)(iv) of this section).

(iv) *Panama Canal Commission Form 7071, General Contract Clauses And Provisions, Small Purchases;* and *Panama Canal Commission Form 7074, Information Sheet.* These two forms shall be forwarded to prospective suppliers together with either Panama Canal Form No. 1821 or Panama Canal Form No. 2008, as applicable.

Subpart 3513.2—Blanket Purchase Agreements

3513.201 General.

(a) Except for the rental of construction equipment, blanket purchase agreements (BPA's) may be established only by contracting officers within the General Services Bureau. The contracting officers authorized to establish BPA's are:

(1) Chief, Inventory Management Branch for acquisition of inventory stocks;

(2) Chief, New Orleans Branch for acquisition of parts in the New Orleans area for the Motor Transportation Division and such other items as may be designated by the General Services Director; and

(3) Chief, Construction Division, Engineering and Construction Bureau, for the rental of construction equipment; and

(4) Chief, Purchasing and Contracts Branch for acquisition of supplies or services not covered under paragraphs (a) (1) through (3) of this section.

3513.203 Establishment of Blanket Purchase Agreements.

3513.203–1 General.

(a) Blanket purchase agreements may be established for supplies or services which are readily available and for which their purchase does not require detailed technical specifications, technical inspection, or complex terms and conditions.

(b) Only the contracting officer (CO) and officials authorized by a CO and designated in the BPA shall be permitted to request deliveries. Delivery (call) orders shall usually be made by telephone or in person. Before placing a call order against the BPA, each requirement shall be screened for availability from Commission inventory sources and from the mandatory sources of supply prescribed in FAR part 8. Necessary controls shall be maintained by the person placing the call orders under the BPA to ensure that any limitation stated therein is not exceeded. The BPA identification number shall be specified each time a delivery is requested.

(c) The procedure for establishing and using BPA's is prescribed in the Commission's Financial Systems Manual 14.020, covering BPA's in general, and 14.007, covering BPA's for automotive parts.

3513.204 Purchases under Blanket Purchase Agreements.

(a) Individual call orders under a BPA shall not exceed the dollar limitation specified in the BPA, which limitation shall not exceed the dollar limitations established by the:

(1) Engineering and Construction Director for the rental of construction equipment, and

(2) General Services Director for all other BPA's.

(b) Purchases under BPA's shall be documented on Panama Canal Form No. 3099, Request For Purchase/Call Order.

Subpart 3513.5—Purchase Orders

3513.505 Purchase order and related forms.

3513.505–2 Agency order forms in lieu of Optional Forms 347 and 348.

The following Commission order forms may be used in lieu of Optional Forms 347 and 348 for the purposes described below:

(a) *Panama Canal Form No. 1010, Purchase Order.* This form may be used by the Inventory Management Branch (1) for the small purchase acquisition of standard stock items, and (2) as a delivery order for ordering or scheduling deliveries against established contracts or from Government sources of supply.

(b) *Panama Canal Form No. 1820, Purchase Order.* This form may be used by the Purchasing and Contracts Branch (1) for the small purchase acquisition of non-stock items and services, and (2) as a delivery order for ordering or scheduling deliveries against established contracts or from Government sources of supply.

(c) *Panama Canal Form No. 3083, Purchase Order Continuation.* This form may be used with Panama Canal Form No. 1820 when additional space is needed.

(d) *Panama Canal Form No. 3163, Division Purchase Order.* This form may be used by all activities having contracting authority for the decentralized procurement of supplies and services (see 3513.505–71).

(e) *Panama Canal Form No. 3163–MTD, Division Purchase Order.* This form may be used by the Motor Transportation Division and the New Orleans Branch, Logistical Support Division for purchases of nonstandard stock automotive repair parts that do not exceed dollar amounts established by the General Services Director.

3513.505-70 Purchase requisition.

Panama Canal Form No. 1821, Purchase Requisition, shall be used by requiring activities to request purchasing action by the Purchasing and Contracts Branch, Logistical Support Division. The procedure for using purchase requisitions is prescribed in the Commission's Financial Systems Manual 14.010.

3513.505-71 Division Purchase Order.

(a) *General.* The Division Purchase Order (DPO), PCC Form No. 3163, may be used by all activities that have contracting authority for the decentralized procurement of supplies and services (see 3501.601(b)). When repetitive purchases within the authorized DPO dollar limitation are made for the same supplies or services, the activity shall request the Chief, Purchasing and Contracts Branch to establish a BPA (see subpart 3513.2). A detailed procedure for the use of the DPO is prescribed in the Commission's Financial Systems Manual 14.005, covering DPO's in general, and 14.007, covering DPO's for automotive parts.

(b) *Responsibilities.* (1) Bureau directors and heads of independent units that use the DPO shall—

(i) Ensure that, whenever practicable, the functions of procurement approval, receipt documentation, and payment approval in the use of a DPO are performed by three separate persons. In no case shall the same person be permitted to perform all three functions.

(ii) Approve and sign all DPO's, subject to the conditions specified in paragraphs (b) (2)(iii) and (3) of this subsection, or appoint in writing by position or by name one or more purchasing agents to act as approval and signatory authority. Such appointees shall be at an organizational level sufficient to ensure responsible control over the obligation of funds that the DPO represents.

(2) Designated purchasing agents shall—

(i) Approve and sign DPO's within their delegated dollar authority.

(ii) Supervise the use and issuance of DPO's and verify that such use and issuance are in compliance with the FAR, this PAR, and the Commission's Financial Systems Manual.

(iii) Ensure that the following conditions exist before approving purchases to be made on DPO's:

(A) There is a valid need for the supplies or services;

(B) A unit fund controller has certified the availability of funds for the proposed purchase;

(C) The vendor is reputable and the price is reasonable; and

(D) The DPO is not being used as a means to purchase a known requirement in excess of the authorized DPO dollar limitation by fragmentizing the requirement (i.e., by breaking the total quantity of the requirement into smaller quantities that can be purchased on two or more DPO's, each of which does not exceed the authorized dollar limitation but which, collectively, will result in the purchase of the total quantity of the requirement).

(3) Individuals authorized to approve and sign DPO's shall ensure that Government funds are not expended for standard stock items, unauthorized office supplies, furnishings, appliances, or for items that are intended solely for personal convenience or to satisfy personal desires of an official or that are nonessential to the needs of the Government and do not contribute to the fulfillment of the Commission's mission.

(4) The General Services Director shall delegate authority for contracting by means of DPO's to bureau directors and heads of independent units. Such delegation shall be published from time to time in bulletin or memorandum form and shall conform to dollar limitations approved by the Administrator.

(c) *Panama Preference.* DPO purchases shall conform to the Treaty preference given to supplies and services obtainable in Panama, as prescribed in subpart 3570.1.

PART 3514—SEALED BIDDING

Sec.

Authority: 40 U.S.C. 486(c); Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

3514.000 Scope of part.

This part implements and supplements FAR part 14 by providing additional solicitation provisions and additional guidance on establishment of solicitation mailing lists, cancellation of invitations after opening, mistakes in bids, and contract award.

Subpart 3514.2—Solicitation of Bids

3514.201-6 Solicitation provisions.

(a) In addition to the provisions prescribed in FAR 14.201-6, the contracting officer shall insert in all invitations for bids the provisions at—

(1) 3552.214-70, Price—Sealed Bidding; and

(2) 3552.214-73, Caution—Sealed Bidding.

(b) The contracting officer shall insert the following provisions in all invitations for bids for construction. These provisions may also be used in invitations for bids for supplies or services if the contracting officer determines that their use is appropriate:

(1) 3552.214-71, Additional Data To Be Submitted.

(2) 3552.214-72, Rejection of Bids.

(c) The contracting officer shall insert the provision at 3552.214-74, All or None Award—Sealed Bidding, in invitations for bids for supplies or services if the contracting officer determines that award will be made on an "all or none" basis to one bidder for all items because of the nature of the items (e.g., supply items must interface or otherwise be fully compatible with each other items covering services are so interrelated that it would be impracticable to split the award).

(d)(1) The contracting officer shall insert the provision at 3552.214-75, All or None Award—Sealed Bidding—Construction, in invitations for bids for construction work that is estimated to exceed $10,000 if the contracting officer determines:

(i) To require bidding on all items, and

(ii) That award will be made on an "all or none" basis to one bidder for all items.

(2) If the construction work is not estimated to exceed $10,000, the contracting officer shall use the Alternate I version of provision 3552.214-75.

(3) If the contracting officer determines that:

(i) The contract work, regardless of its estimated value, will be awarded to one bidder for all the work, and

(ii) Bidding on all items will not be required, the Alternate II version of provision 3552.214-75 is to be used.

3514.205 Solicitation mailing lists.

3514.205-1 Establishment of lists.

(a) Each Commission contracting activity shall establish solicitation mailing lists as required by FAR 14.205-1.

(b) In order to carry out the requirements of the Treaty to give

preference to the acquisition of supplies and services obtainable from sources in the Republic of Panama, each Commission contracting activity shall develop solicitation lists of local companies which can provide such supplies or services.

Subpart 3514.4—Opening of Bids and Award of Contract

3514.404 Rejection of bids.

3514.404-1 Cancellation of invitations after opening.

(c) The Procurement Executive, upon recommendation of the cognizant HCA, is authorized to make the determinations prescribed in FAR 14.404-1(c) when an invitation is to be cancelled and all bids rejected after bid opening but prior to award.

(e)(1) The Procurement Executive, upon recommendation of the cognizant HCA, may authorize the contracting officer to complete the acquisition through negotiation in the determination to cancel the invitation for bids when the conditions in FAR 14.404-1(c) (6) or (7) apply.

3514.406 Mistakes in bids.

3514.406-3 Other mistakes disclosed before award.

The cognizant HCA is delegated the authority to make the administrative determinations in connection with mistakes in bids prior to award. This authority may not be redelegated. The General Counsel must review and concur with all determinations under FAR 14.406-3.

3514.406-4 Mistakes after award.

(b) The cognizant HCA is authorized to make determinations on mistakes in bids disclosed after award. The General Counsel must review and concur with all determinations made under FAR 14.406.4.

3514.407 Award.

3514.407-1 General.

(a) The contracting officer shall make a contract award to that responsible bidder whose bid, conforming to the invitation, will be most advantageous to the Government, considering only the price and price-related factors contained in FAR 14.201-8. Particular attention shall be paid in supply contracts to evaluation of transportation costs to ensure that the award is made to the lowest overall responsive and responsible bidder.

3514.407-6 Equal low bids.

(a) Contracts shall be awarded in the following order of priority when two or more low bids are equal in all respects:

(1) Preference shall be given to the bidder whose supplies or services are obtainable in the Republic of Panama;

(2) When two or more bidders offer supplies or services obtainable in Panama, preference shall be given to the bidder whose bid has a larger percentage of components of Panamanian origin;

(3) If two or more bidders remain equally low after application of paragraphs (a) (1) and (2) of this subsection, the tie-breaking procedures prescribed in FAR 14.407-6(b) shall be followed;

(4) The order of precedence established in FAR 14.407-6 (a) and (b).

(c) When award is made by using the priorities under this 3514.407-6, the contracting officer shall incorporate the written agreement prescribed in FAR 14.407-6(c) in the contract.

PART 3515—CONTRACTING BY NEGOTIATION

Sec.

Authority: 40 U.S.C. 486(c).

3515.000 Scope of part.

This part implements and supplements FAR part 15 by providing additional solicitation provisions and by providing Commission policies and procedures on unsolicited proposals, price negotiations, and profit.

Subpart 3515.4—Solicitation and Receipt of Proposals and Quotations

3515.407 Solicitation provisions.

(a) In addition to the provisions prescribed in FAR 15.407, the contracting officer shall insert in solicitations the provisions at—

(1) 3552.215-70, Price; and

(2) 3552.215-71, Caution.

(b) The contracting officer shall insert the provision at 3552.215-72, All or None Award, in solicitations for supplies or services if the contracting officer determines that award will be made on an "all or none" basis to one offeror for all items because of the nature of the items (e.g., supply items must interface or otherwise be fully compatible with each other; items covering services are so interrelated that it would be impracticable to split the award). This provision may also be used in solicitations for construction if the contracting officer determines that its use is appropriate.

Subpart 3515.5—Unsolicited Proposals

3515.500 Scope of subpart.

This subpart implements and supplements the policies and procedures governing unsolicited proposals prescribed in FAR subpart 15.5. It also establishes the Commission contact point for coordinating the receipt, evaluation, and disposition of unsolicited proposals.

3515.502 Policy.

It is the policy of the Commission to receive, review, and consider for acceptance unsolicited proposals, as that term is defined in FAR 15.501 and further described in FAR 15.503(c). As indicated in FAR 15.502, such proposals may be accepted for sole source negotiation only when appropriate authority exists in FAR subpart 6.3 and when all conditions in FAR 15.507(b) have been complied with.

3515.503 General.

(f) Unsolicited proposals for the performance of services are, except as discussed in this paragraph, unacceptable as the performance of services is unlikely to necessitate innovative and unique concepts. There may be rare instances in which an unsolicited proposal offers an innovative and unique approach to the accomplishment of a service. If such a proposal offers a previously unknown or an alternative approach to generally recognized techniques for the accomplishment of a specific service, and such approach will provide significantly greater economy or

enhanced quality, it may be considered for acceptance, provided that such acceptance can be made in conformance with the policy in 3515.502.

3515.504 Advance guidance.

(a) It is not uncommon for sales representatives and engineers to approach field personnel of the Commission to discuss their products or proposals. Bureau Directors and Heads of Independent Units shall take the necessary steps to ensure that Commission employees do not make any commitments, explicit or implied, on behalf of the Commission to eventually procure such products or proposals. Whenever any person orally makes an "unsolicited proposal", Commission personnel shall inform the offeror that unsolicited proposals must be in writing and that further information should be obtained from the Commission's Procurement Executive or Assistant Procurement Executive before the offeror proceeds with the submission of a written proposal. Commission personnel may provide copies, if practicable, of FAR subpart 15.5 and subpart 3515.5 of this regulation to persons interested in submitting unsolicited proposals.

3515.506 Agency procedures.

(a) In order to allow the Commission sufficient time to evaluate the unsolicited proposal and negotiate any resultant contract, prospective contractors should submit their proposals, in triplicate, well in advance of the time they desire to commence their effort or activity. A minimum of six months advance submission is suggested (see FAR 15.505(c)(2)).

(b) The Procurement Executive is the Commission contact point to coordinate the receipt and handling of unsolicited proposals within the commission.

3515.506-1 Receipt and initial review.

(a) The Procurement Executive shall conduct an initial review of each unsolicited proposal to determine if it appears to (1) constitute a valid unsolicited proposal as described in FAR 15.503(c), and (2) meet the requirements contained in FAR 15.506-1(a). If so, the Procurement Executive shall acknowledge its receipt to the sender and initiate processing of the proposal for evaluation in accordance with 3515.506-2 below. If the proposal does not meet the requirements of FAR 15.506-1(a), or otherwise does not qualify as an unsolicited proposal, the Procurement Executive shall return it to the sender with appropriate comments.

3515.506-2 Evaluation.

(a) Promptly after receipt of an unsolicited proposal deemed to satisfy the requirements of 3515.506-1(a), the Procurement Executive shall forward the original and all copies to the cognizant contracting officer for further coordination of the technical evaluation of the proposal. The cognizant contracting officer shall (1) determine the appropriate Commission organization that would fund the acquisition (see FAR 15.507(b)(3)) in the event the unsolicited proposal would be acceptable for a negotiated award pursuant to FAR 15.507(b), and (2) forward a copy to that organization for technical evaluation. If more than one organization has a potential interest in the proposal, or should otherwise be included in the evaluation phase because of its technical expertise, copies of the proposal shall be circulated to each such office.

(b) Evaluating organizations shall complete their evaluations as quickly as practicable and forward them, together with all copies of the unsolicited proposal, to the cognizant contracting officer. Evaluations shall take into consideration the factors in FAR 15.506-2(a), shall be in writing, and shall include, in addition to a comprehensive technical analysis and conclusion(s), a recommendation as to the ultimate disposition of the proposal. When the recommendation is to accept the unsolicited proposal, the evaluation shall include the documentation required in FAR 15.507(b)(3).

3515.507 Contracting methods.

(a) If the unsolicited proposal is not recommended for acceptance after technical evaluation, the cognizant contracting officer shall return the proposal and all copies thereof to the offeror, citing the reasons why the proposal is not acceptable. A copy of the letter shall be furnished to the Procurement Executive.

(c) If the unsolicited proposal is acceptable as a basis for negotiation, the cognizant contracting officer shall:

(1) Obtain the concurrence of the General Counsel before proceeding with negotiations, and

(2) Advise the Procurement Executive in writing of such action.

3515.508 Prohibitions.

(b) All unsolicited proposals received by units of the Commission shall be treated "FOR OFFICIAL USE ONLY" and shall be protected from unauthorized disclosure. No copies shall be made except as authorized by the Procurement Executive or cognizant contracting officer, as appropriate. All Commission personnel who handle a proposal are responsible for safeguarding the information therein, and shall not disclose the information to unauthorized personnel within or outside of the Commission.

Subpart 3515.8—Price Negotiation

3515.802 Policy.

It is the policy of the Commission to obtain the cost or pricing data required pursuant to FAR 15.804 from all U.S. or foreign (including Panama) prime contractors and subcontractors.

3515.804 Cost or pricing data.

3515.804-2 Requiring certified cost or pricing data.

When determining the contract amount for purposes of applying the dollar threshold at FAR 15.804-2(a) for requesting certified cost or pricing data, the value of the contract shall include any priced options. Exercise of a priced option is not considered a price adjustment and does not require submission of cost or pricing data.

3515.804-3 Exemptions from or waiver of submission of certified cost or pricing data.

All findings rendered pursuant to FAR 15.804-3 (b)(2)(iii) and (c)(8) shall be approved by the cognizant HCA with the concurrence of the General Counsel. The exemptions permitted under FAR 15.804-3(g) and the waivers permitted under FAR 15.804-3(i) shall be authorized by the cognizant HCA with the concurrence of the General Counsel.

3515.804-6 Procedural requirements.

For requests for proposals or modifications not exceeding $25,000, the contracting officer may require contractors to submit information for cost or price analysis on Panama Canal Form No. 6122, Cost Breakdown, at 3553.215.

Subpart 3515.9—Profit

3515.902 Policy.

(a) The Commission shall use a structured approach to determine the profit or fee prenegotiation objective in acquisition actions of $500,000 or more that require cost analysis based on the profit analysis factors in FAR 15.905.

(b) The following types of acquisitions are exempt from the requirements of the structured approach, but the contracting officer shall comply with FAR 15.905-1 when analyzing profit for these contracts or actions:

(1) All actions which do not require cost analysis;

(2) Architect-engineer contracts;

(3) Construction contracts;

(4) Contracts primarily requiring delivery of material supplied by subcontractors;

(5) Termination settlements; and

(6) Other professional services.

(c) In developing a profit or fee prenegotiation objective, the contracting officer shall comply with the requirements in FAR 15.903.

(d) When profit analysis is required, any amount proposed by the prospective contractor for the cost of money for facilities capital allowable under FAR 31.205–10 shall be deducted from the prenegotiation cost base objective before calculating the profit objective.

(e) The cognizant HCA is responsible for establishing procedures to ensure compliance with this subpart.

PART 3516—TYPES OF CONTRACTS

Sec.

Authority: 40 U.S.C. 486(c).

3516.000 Scope of part.

This part implements and supplements FAR part 16. It provides Commission policies and procedures for preparation of determinations and findings authorizing use of cost-reimbursement contracts, and for use of time-and-materials and letter contracts.

Subpart 3516.3—Cost-Reimbursement Contracts

3516.301 General.

3516.301-3 Limitations.

(c) The following format shall be used and executed by the contracting officer as the determination and findings authorizing the use of a cost-reimbursement contract:

PANAMA CANAL COMMISSION

DETERMINATION AND FINDINGS

Authority to Use Cost-Reimbursement Contract

I hereby find that:

(1) The (Bureau/Division name) proposes to contract with (name of proposed contractor) for (describe work, service, or product) (identify program or project). The estimated cost is ($_____) (if contract is CPFF type, insert, ("plus a fixed fee of ($_____) which is ____ percent of the estimated cost exclusive of fee").

(2) (Set forth facts and circumstances that show why it is impracticable to acquire supplies or services of the kind or quality required without the use of the proposed type of contract or why the proposed method of contracting is likely to be less costly than other methods.)

I hereby determine that:

On the basis of the above findings, it is impracticable to acquire supplies or services of the kind or quality required without the use of a (cost, cost-sharing, or cost-plus-a-fixed fee*) type of contract, or the (cost, cost-sharing, or cost-plus-a-fixed fee*) method of contracting is likely to be less costly than other methods.

Date _____

_____

(Signature)

*Contracting officer inserts appropriate type of contract.

The determination and findings for all cost-reimbursement and incentive/award fee type contracts shall be reviewed and approved by the HCA.

Subpart 3516.6—Time-and-Materials, Labor-Hour, and Letter Contracts

3516.601 Time-and-materials contracts.

(c) *Limitations.* The format prescribed in 3516.301–3(c) shall be used and executed by the contracting officer as the determination and findings authorizing the use of either a time-and-materials contract or a labor-hour contract, except that in lieu of the final paragraph insert the following:

I hereby determine that:

On the basis of the above findings, no other type of contract will suitably serve for the acquisition of the required supplies or services.

3516.603 Letter contracts.

3516.603-2 Application.

(a) It is the policy of the Panama Canal Commission to refrain from issuing letter contracts. Exceptions to this policy will be permitted only in those cases in which all matters of a substantive nature, such as statements of work, delivery schedules, and general and special clauses have been resolved and agreed upon. Exceptions to this policy must be approved by the Administrator.

3516.603-3 Limitations.

The cognizant HCA is designated to execute the prescribed determination that no other contract is suitable. However, if the cognizant HCA is to sign the letter contract as the contracting officer, the Procurement Executive shall execute the determination.

3516.603-70. Information to be furnished when requesting authority to issue a letter contract.

The following information should be included by the contracting officer in any memorandum requesting approval to issue a letter contract:

(a) Name and address of proposed contractor.

(b) Location where contract is to be performed.

(c) Contract number, including modification number, if possible.

(d) Brief description of work and services to be performed.

(e) Performance or delivery schedule.

(f) Amount of letter contract.

(g) Estimated total amount of definitized contract.

(h) Type of contract to be executed (fixed price, cost-reimbursement, etc.)

(i) Statement of the necessity and advantage to the Commission of the use of the proposed letter contract.

(j) Statement of the percentage of the estimated cost of the proposed acquisition that the obligation of funds represents. In those rare instances in which the obligation represents 50 percent or more of the proposed estimated cost of the acquisition, a justification for that obligation must be included describing the basis and necessity for the obligation (e.g., the contractor requires a large initial outlay of funds for major subcontract awards or an extensive purchase of materials to meet an urgent delivery requirement). In every case, documentation must ensure that the amount to be obligated is not in excess of an amount reasonably required to perform the work.

(k) Period of effectiveness of the proposed letter contract.

(l) Statement of any substantive matters that need to be resolved.

3516.603-71 Approval for modifications to letter contracts.

All letter contract modifications must be approved by the cognizant HCA responsible for the acquisition. Requests for authority to issue letter contract modifications shall be processed in the same manner as requests for authority to issue letter contracts and shall include the following:

(a) Name and address of the contractor.

(b) Description of work and services.

(c) Date original request was approved and approving official.

(d) Letter contract number and date issued.

(e) Complete justification as to why the letter contract cannot be definitized at this time.

(f) Complete justification as to why the level of funding must be increased.

(g) Complete justification as to why the period of effectiveness is increased, if applicable.

(h) If the funding of letter contracts is to be increased to more than 50 percent of the estimated cost of the acquisition, the information required by 3516.603–70(j) must be included.

PART 3517—SPECIAL CONTRACTING METHODS

Subpart 3517.2—Options

Sec.
3517.200 Scope of subpart.
3517.203 Solicitations.
3517.204 Contracts.
3517.207 Exercise of options.

Subpart 3517.5—Interagency Acquisitions Under the Economy Act

3517.500 Scope of subpart.
3517.501 Definitions.
3517.502 General.
3517.504 Ordering procedures.

Authority: 40 U.S.C. 486(c).

Subpart 3517.2—Options

3517.200 Scope of subpart.

This subpart does not apply to contracts for services involving:

(a) Construction, alteration, or repair of real property;

(b) Architect-engineer services;

(c) Automatic data processing equipment systems; and

(d) Telecommunication equipment and services.

However, it does not preclude the use of options in those contracts.

3517.203 Solicitations.

(g)(2) The use of options for increased quantities of supplies or services which exceed 50 percent of the base quantity specified in the contract for a particular period shall be approved by the cognizant HCA prior to issuing the solicitation. In the case of supplies, the 50 percent limitation applies only to contracts which have a base quantity of more than one.

3517.204 Contracts.

(e) The use of option periods which, when combined with the base contract period, results in a total contract period of performance exceeding twelve months shall be approved by the cognizant HCA prior to issuing the solicitation. In no event, however, shall the total of the base and option periods exceed sixty (60) months in duration.

3517.207 Exercise of options.

(h) The contracting officer, if the contract so provides, may, subject to the conditions in FAR 17.204(d) and FAR 32.703–2, exercise an option contingent upon the availability of funds. Under no circumstances shall any action be taken which could be construed as creating a legal liability on the part of the Commission until a formal notice of availability of funds in the form of a contract modification has been issued by the contracting officer.

Subpart 3517.5—Interagency Acquisitions Under the Economy Act

3517.500 Scope of subpart.

This subpart prescribes policies and procedures applicable to the use of Interservice Support Agreements and Memorandums of Understanding.

3517.501 Definitions.

Interservice Support Agreement (ISA) means an agreement entered into between the Panama Canal Commission and any other department or agency of the United States for the use of facilities, furnishing of supplies or services, or performance of functions. ISA's may be based upon Memorandums of Understanding.

Memorandum of Understanding (MOU) means the basic document which outlines host-tenant relationships. MOU's serve as the standard for relationships between host units and supporting or supported activities.

3517.502 General.

The General Services Director is the Commission official authorized to enter into ISA's. The Director, by written appointment, may delegate this authority to one or more contracting officers in the General Services Bureau. The determination and findings required by FAR 17.503 shall be made by the General Services Director or the appointee(s), as applicable.

3517.504 Ordering procedures.

(a) The procedures in FAR 17.504 shall apply to Commission ISA's.

(b) When the other agency to an ISA is a DOD activity, the DOD forms and format normally shall be followed.

Subchapter D—Socioeconomic Programs

PART 3519—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

Subpart 3519.2—Policies

Sec.
3519.201 General policy.
3519.202–3 Equal low bids.

Authority: 40 U.S.C. 486(c); Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

Subpart 3519.2—Policies

3519.201 General policy.

(a) Any acquisition which requires the solicitation of bids, proposals, or quotes from sources within Panama and also from sources within the United States shall not be restricted by any United States statute that is inconsistent with Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty.

(d) The Chief, New Orleans Branch, Logistical Support Division, shall discharge the functions of the Small and Disadvantaged Business Utilization Specialist (SDBUS).

3519.202–3 Equal low bids.

In the event of equal low bids, contracts shall be awarded in the order of priority set forth in 3514.407–6.

PART 3520—LABOR SURPLUS AREA CONCERNS

Subpart 3520.1—General

Sec.
3520.102 General policy.
3520.103 Contract clause.

Subpart 3520.2—Set-asides

3520.201 Set-asides for labor surplus area concerns.
3520.201–1 Total set-asides.

Subpart 3520.3—Labor Surplus Area Subcontracting Program

3520.301 General.

Authority: 40 U.S.C. 486(c).

Subpart 3520.1—General

3520.102 General policy.

Subject to the order of precedence in FAR 19.504, the Panama Canal Commission shall award appropriate contracts to eligible labor surplus area (LSA) concerns and encourage contractors to place subcontracts with LSA concerns only when all of the following circumstances exist:

(a) The acquisition is to be performed within the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands.

(b) The concern, together with its first-tier subcontractors, will perform substantially in labor surplus areas as defined in FAR 20.101; and

(c) The value of the acquisition is estimated to exceed the small purchase limitation in FAR part 13.

3520.103 Contract clause.

(b) The contract clause at FAR 52.220–1, Preference for Labor Surplus Area Concerns, shall be included in solicitations and contracts only as

prescribed by FAR 20.103(b) and under those conditions set forth in 3520.102.

Subpart 3520.2—Set-asides

3520.201 Set-asides for labor surplus area concerns.

3520.201-1 Total set-asides.

The contracting officer shall set aside the entire amount of an individual acquisition or class of acquisitions for LSA concerns only under those conditions set forth in 3520.102.

Subpart 3520.3—Labor Surplus Area Subcontracting Program

3520.301 General.

The provisions of FAR subpart 20.3 apply only under those conditions set forth in 3520.102.

PART 3522—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Sec.

Authority: 40 U.S.C. 486(c).

3522.000 Scope of part.

This part prescribes—

(a) Labor laws of the United States and their application to acquisitions conducted by the Panama Canal Commission; and

(b) Contracting policy and procedures for the implementation of pertinent labor laws in contracts with United States and Panamanian business concerns. (See subpart 3525.8 for policies and procedures pertaining specifically to contracts with Panamanian business concerns or others to which Panamanian laws may apply.)

Subpart 3522.1—Basic Labor Policies

3522.100 Scope of subpart.

The provisions of FAR subpart 22.1 shall apply specifically to contracts with United States business concerns to the extent prescribed throughout FAR part 22.

3522.103 Overtime.

3522.103-4 Approvals.

(a) Overtime requests by contractors may be approved under the conditions contemplated in FAR 22.103-4(a). Such approvals are required under cost-reimbursement, time-and-materials, and labor-hour contracts since such contracts place substantial cost risk on the Government.

(b) The Commission officials for approval of contractor requests for overtime in cost-reimbursement contracts as contemplated in FAR 22.103-4 (a), (b), and (f) are the cognizant Heads of Contracting Activities.

Subpart 3522.2—Convict Labor

3522.270 Applicability.

As indicated at FAR 22.202, the policies and procedures in FAR subpart 22.2 are applicable only to contracts which are to be performed within any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands. The policies and procedures do not apply to contracts which are to be performed within the Republic of Panama or within any other foreign country.

Subpart 3522.3—Contract Work Hours and Safety Standards Act

3522.370 Applicability.

As indicated at FAR 22.305, the policies and procedures in FAR subpart 22.3 shall not be applied to contracts to be performed solely within the Republic of Panama, other foreign countries, or within a territory under United States jurisdiction other than a State, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331), American Samoa, Guam, Wake Island, and Johnston Island.

Subpart 3522.4—Labor Standards for Contracts Involving Construction

3522.402 Applicability.

(c) *Contracts to be performed outside the United States.* As indicated by paragraphs (a) through (d) at FAR 22.407, the requirements of FAR subpart 22.4 do not apply to contracts for construction to be performed within the Republic of Panama or within any other foreign country.

Subpart 3522.6—Walsh-Healey Public Contracts Act

3522.603 Applicability.

As indicated at FAR 22.603 and FAR 22.604-2, the requirements and procedures of FAR subpart 22.6 and this subpart 3522.6 do not apply to contracts for supplies that are manufactured in the Republic of Panama or elsewhere outside the United States, Puerto Rico or the Virgin Islands.

3522.608 Procedures.

3522.608-3 Protests against eligibility.

The contracting officer shall forward the determination of eligibility, after concurrence by legal counsel, to the cognizant Head of Contracting Activity (HCA) for referral to the Department of Labor (DOL) or to the Small Business Administration if the offeror is a small business.

3522.608-4 Award pending final determination.

(a) If an offeror's eligibility case is pending review by the DOL or SBA, the contracting officer shall obtain the concurrence of legal counsel and approval of the cognizant HCA prior to making an award.

3522.608-6 Postaward.

(c) In the event of a violation of a stipulation required under the Act, the contracting officer shall, with concurrence by legal counsel and

approval by the cognizant HCA, notify the appropriate regional office of the DOL.

Subpart 3522.8—Equal Employment Opportunity

3522.803 Responsibilities.

(d) If the applicability of Executive Order 11246 and implementing regulations are questioned by any commercial firm or other entity with whom the Panama Canal Commission has contracted or contemplates contracting, the contracting officer shall route the matter to the cognizant HCA, who shall obtain the opinion of legal counsel.

3522.804 Affirmative action programs.

3522.804-2 Construction.

(b) The HCA having construction contract responsibility shall maintain and distribute a current list of geographical areas subject to affirmative action requirements to the principally affected contracting officers. The list may be obtained from the regional Office of Federal Contract Compliance Policy (OFCCP).

3522.805 Procedures.

(a) The contracting officer shall obtain a preaward clearance as required by FAR 22.805(a) (2), (3), and (5). Where, as contemplated in FAR 22.805(a)(7), there exists a potential delay in award of an urgent and critical contract, and where the OFCCP advises of its inability to timely complete the review, a written justification for award shall be forwarded to the cognizant HCA for approval of award without preaward clearance.

(b) The contracting officer shall obtain and maintain an adequate supply of the posters entitled "Equal Opportunity is the Law" for distribution to contractors when applicable.

3522.807 Exemptions.

(b) Panama Canal Commission contracts are exempt from the Equal Employment Opportunity provisions of Executive Order 11246 to the extent that work is performed outside the United States by employees who were not recruited within the United States. (See FAR 22.801 for the meaning of "United States" as used herein.)

(c) Requests for exemption pursuant to FAR 22.807(c) shall be submitted to the Director, OFCCP, through the cognizant HCA.

3522.808 Complaints.

Information regarding all complaints and subsequent referrals shall be forwarded to the cognizant HCA.

3522.809 Enforcement.

The Procurement Executive is designated to make the determinations that may be exercised against contractors pursuant to FAR 22.809.

3522.810 Solicitation provisions and contract clauses.

All solicitation provisions and contract clauses prescribed in FAR 22.810 are applicable to contracts awarded by the Panama Canal Commission unless an exemption exists or has been obtained in accordance with FAR 22.807 and 3522.807.

Subpart 3522.10—Service Contract Act of 1965, as Amended

3522.1003 Applicability.

As indicated at FAR 22.1003-2, the policies and procedures in FAR subpart 22.10 do not apply to service contracts to be performed in the Republic of Panama or elsewhere outside the United States. (See FAR 22.1001 for the meaning of "United States" as used herein.)

Subpart 3522.13—Special Disabled and Vietnam Era Veterans

3522.1302 Applicability.

Panama Canal Commission contracts are exempt from the provisions of the Vietnam Era Veterans Readjustment Assistance Act of 1972 to the extent that the work is performed outside the United States by employees who were not recruited in the United States. (See FAR 22.1308(a)(1) for the meaning of "United States" as used herein.)

3522.1303 Waivers.

(a) The Administrator of the Panama Canal Commission is the "agency head" or the "head of a civilian agency" for purposes of the provisions of FAR 22.1303 (a) and (b)(1), respectively.

(c) Requests for waivers shall be forwarded to the cognizant HCA for referral to the administrator for approval.

3522.1306 Complaint procedures.

The contracting officer shall forward written complaints to the cognizant HCA for subsequent referral to the Director, OFCCP.

Subpart 3522.14—Employment of the Handicapped

3522.1402 Applicability.

(a) Panama Canal Commission contracts are exempt from the Rehabilitation Act of 1973 to the extent that the work is performed outside the United States by employees who were not recruited within the United States. (See FAR 22.1408(a)(1) for the meaning of "United States" as used herein.)

3522.1403 Waivers.

(a) The Administrator of the Panama Canal Commission is the "agency head" or the "head of a civilian agency" for purposes of the provisions of FAR 22.1403 (a) and (b)(1), respectively.

(c) Requests for waivers shall be forwarded through the cognizant HCA to the Administrator for approval.

3522.1406 Complaint procedures.

Complaints regarding administration of the Act shall be forwarded to the cognizant HCA prior to submission to the OFCCP.

PART 3524—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

Subpart 3524.1—Protection of Individual Privacy

Sec.
3524.102 General.

Subpart 3524.2—Freedom of Information Act

3524.270 Procedures.

Authority: 40 U.S.C. 486(c).

Subpart 3524.1—Protection of Individual Privacy

3524.102 General.

Personal information obtained by the agency to be used in determining an individual's right to a benefit, or to otherwise incur an obligation, will be solicited directly from the subject of the record to the extent practicable. The system manager responsible for the maintenance and dissemination of personal information about individuals shall ensure that the information is collected and disclosed in compliance with the provisions of the Privacy Act of 1974 and part 10 of 35 CFR, this agency's regulations implementing the Act.

Subpart 3524.2—Freedom of Information Act

3524.270 Procedures.

Freedom of Information Act (FOIA) requests for contractual information shall be processed in accordance with part 9 of 35 CFR.

(a) Upon receipt, all FOIA requests shall be forwarded immediately to the Agency Records Officer (Chief, Administrative Services Division) for acknowledgment and processing within the statutory time limitations as stipulated in the Act.

(b) Prior to release of any contractual information to FOIA requesters, the

Agency Records Officer shall coordinate with other agency offices or officials having a substantial subject matter interest.

PART 3525—FOREIGN ACQUISITION

Sec.

Authority: 40 U.S.C. 486(c); Article VIII of the Panama Canal Treaty of 1977 and Articles IX, XI, and XVI of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

3525.000 Scope of part.

This part provides policies and procedures related to the application of the Buy American Act, the Balance of Payments Act, and purchases under the Trade Agreements Act of 1979 to Commission acquisitions. This part also provides policies and procedures for the application of international agreements to Commission acquisitions.

Subpart 3525.1—Buy American Act—Supplies

3525.102 Policy.

The Buy American Act does not apply to purchases of supplies or services that involve the furnishing of supplies, for use in the Republic of Panama because such use is outside the United States, as provided in FAR 25.102(a)(1).

Subpart 3525.2—Buy American Act—Construction Materials

3525.202 Policy.

The Buy American Act does not apply to contracts for the construction, alteration, or repair of any public building or public work in the Republic of Panama. The Act applies only to acquisitions for use inside the United States, as provided in FAR 25.202.

Subpart 3525.3—Balance of Payments Program

3525.300–70 Applicability.

In accordance with Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty, the Balance of Payments provisions limiting purchase of foreign products or services shall not apply to purchases for use by the Commission of—

(a) Articles, materials, or supplies that are produced in Panama (mined, produced, or manufactured);

(b) End products, the largest percentage of which are components of Panamanian origin; and

(c) Services which are available in Panama.

3525.302 Policy.

(a) The cognizant HCA is the official designated to make the determination required by FAR 25.302(b)(3) that a requirement can only be filled by a foreign end product or service, and that it is not feasible to forego filling it or to provide a domestic substitute.

(b)(6) The Procurement Executive is the official designated to make the determination, with the assistance of legal counsel, that the acquisition of foreign end products or services is required by a treaty or executive agreement between governments.

Subpart 3525.4—Purchases Under the Trade Agreements Act of 1979

3525.402 Policy.

(c) Pursuant to a delegation from the United States Trade Representative under the authority provided by section 302(b)(2) of the Trade Agreements Act, the Administrator of the Panama Canal Commission is authorized to waive, on a case-by-case basis, the purchasing prohibition of section 302(a)(1) of the Act. The Administrator has delegated this waiver authority to the Procurement Executive.

Subpart 3525.670—Customs and Duties, Republic of Panama

3525.670–1 Policy.

(a) Article XVI of the Agreement in Implementation of Article III of the Panama Canal Treaty provides that all property imported into the Republic of Panama for the official use or benefit of the Commission, including that imported by its contractors or subcontractors in connection with the various activities authorized under said Agreement, shall be exempt from the payment of all customs duties or other import taxes and charges and from all license requirements.

(b) All property imported into the Republic of Panama free of customs duties and other taxes may be exported free of customs duties, export permits, export taxes, and other assessments. All property acquired in the Republic of Panama by, or in the name of, the Commission may be exported free of customs duties, export licenses, and other export taxes or charges.

3525.670–2 Procedures.

When requested by the contractor or its representative, the contracting officer will initiate a cargo certification document stating that the property being imported is for the official use or benefit of the Commission. The cargo certification document is then processed by the Cargo Documentation Section of the Commission's Administrative Services Division for presentation by the contractor or representative to the appropriate authorities in the Republic of Panama.

Subpart 3525.8—International Agreements and Coordination

3525.801 International agreements.

The Panama Canal Treaty and the Agreement in Implementation of Article III of the Treaty affect the contracting activities of the Commission. Contracting officers shall give particular attention to the provisions in these agreements that pertain to acquisition procedures, contractors' taxes, facilities, and other matters relating to contracting.

3525.801–70 Language.

(a) Solicitations and contracts shall be issued in the English language.

(b) All offers, correspondence and documents related to solicitations and contracts shall be submitted in the English language.

(c) Where inconsistencies between the terms of solicitations or contracts and any translation into another language occur, the English language meaning shall control.

3525.801–71 Choice of law.

All matters relating to the validity, construction, interpretation, performance, and enforcement of any

contract awarded by the Commission shall be determined in accordance with the applicable Federal law of the United States.

3525.801-72 Immunity.

Under Article VIII of the Treaty, agencies and instrumentalities of the Government of the United States of America operating in the Republic of Panama pursuant to the Treaty and related agreements shall be immune from the jurisdiction of the Republic of Panama, and their installations, official archives and documents, shall be inviolable.

3525.801-73 Designated contractors.

(a) *Definition.*

Designated contractors means:

(1) (i) Natural persons who are nationals or permanent residents of the United States, or (ii) Corporations or other legal entities organized under the laws of the United States, any state thereof, or the District of Columbia, and which are under the effective control of such natural persons—

(A) To whom contracts are awarded by the Commission, and

(B) Who are so designated in writing by the Commission.

(2) The term also includes subcontractors of designated contractors:

(i) Who are nationals or permanent residents of the United States, or

(ii) Which are corporations or other legal entities organized under the laws of the United States, any state thereof, or the District of Columbia, and which are under the effective control of United States nationals or permanent residents.

(3) Because Article XI of the Treaty's Implementing Agreement (see paragraph (b) of this subsection and 3502.101) imposes certain obligations and confers certain benefits on designated contractors, all of which are dependent upon their or their employees' physical presence in Panama, the term is understood to mean only those contractors and/or subcontractors that will perform all or a portion of the contract work in the Republic of Panama. Such contractors are normally designated at the time of contract award.

(b) *Obligations and benefits.* Designated contractors are subject to the laws and regulations of the Republic of Panama except for certain obligations and benefits established in Article XI of the Agreement in Implementation of Article III of the Treaty. These obligations and benefits are cited below.

(1) The contractor must engage exclusively in activities related to the execution of the work for which the contractor has been contracted by the Commission or related to other works or activities authorized by the Republic of Panama.

(2) The contractor must refrain from carrying out practices which may constitute violations of the laws of the Republic of Panama.

(3) The contractor shall enter and depart from the territory of the Republic of Panama in accordance with procedures prescribed for United States citizen employees in Article XII of the Implementing Agreement.

(4) The contractor must obtain a document indicating his/her identity as a contractor, which the proper authorities of the United States shall issue when they are satisfied that the contractor is duly qualified. This certificate shall be sufficient to permit the contractor to operate under Panamanian law as a contractor of the United States. Nevertheless, the authorities of the Republic of Panama may require the registration of the appropriate documents to establish juridical presence in the Republic of Panama.

(5) The contractor shall not be obliged to pay any tax or other assessment to the Republic of Panama on income derived under a contract with the Commission, so long as the contractor is taxed in the United States at a rate substantially equivalent to the corresponding taxes and assessments of the Republic of Panama.

(6) The contractor may move freely within the Republic of Panama, and shall have exemptions from customs duties and other charges, as provided for United States citizen employees in the Implementing Agreement.

(7) The contractor may use public services and installations in accordance with the terms and conditions of Article XIII of the Implementing Agreement and, on a non-discriminatory basis, shall pay the Republic of Panama highway tolls and taxes on plates for private vehicles.

(8) The contractor shall be exempt from any taxes imposed on depreciable assets belonging to the contractor, other than real estate, which are used exclusively for the execution of contracts with the United States.

(9) The contractor may use the services and facilities provided for in Articles X and XVIII of the Agreement in Implementation of Article IV of the Panama Canal Treaty, to the extent such use is authorized by the United States; provided, however, that after five years from the entry into force of the Implementing Agreement, the use of military postal services by such contractors shall be limited to that related to the execution of contracts with the United States.

(c) *Notification of designation.* The contracting officer shall, through the Director, Office of Executive Administration, advise contractors that they are "designated contractors" within the meaning of Article XI of the Implementing Agreement and advise them to review their obligations thereunder. Such designations shall be communicated to the authorities of the Republic of Panama by the authorities of the United States. Contracting officers shall maintain current lists of "designated contractors" at all times.

(d) *Withdrawal of designation.* The Commission shall withdraw the designation of a contractor when any of the following circumstances occur:

(1) Completion or termination of the contract with the Commission.

(2) Proof that during the life of the contract such contractors have engaged in the Republic of Panama in business activities not related to their contracts with the United States nor authorized by the Republic of Panama.

(3) Proof that such contractors are engaged in practices which in the view of the Republic of Panama constitute serious violations of the laws of the Republic of Panama.

The authorities of the United States shall notify the authorities of the Republic of Panama whenever the designation of a contractor has been withdrawn. If, within sixty days after notification of the withdrawal of the designation of a contractor who entered the territory of the Republic of Panama in the capacity of a contractor, the authorities of the Republic of Panama require such contractor to leave its territory, the United States shall ensure that the Republic of Panama shall not incur any expense due to the cost of transportation.

(e) *Impact on subcontractors, employees, and dependents.* The provisions of this 3525.801-73 shall similarly apply to the subcontractors and to the employees of the contractors and subcontractors and their dependents who are nationals or residents of the United States. These employees and dependents shall not be subject to the Panamanian Social Security system.

3525.801-74 Panamanian preference.

(a) Article IX of the Agreement in Implementation of Article III of the Treaty provides that:

In procuring supplies and services, the Commission shall give preference to those obtainable in the Republic of Panama. Such preference shall apply to the maximum extent

possible when such supplies and services are available as required, and are comparable in quality and price to those which may be obtained from other sources. For the comparison of prices there shall be taken into account the cost of transport to the Republic of Panama, including freight, insurance and handling, of the supplies and services which compete with Panamanian supplies and services. In the acquisition of goods in the Republic of Panama, preference shall be given to goods having a larger percentage of components of Panamanian origin.

(b) Part 3570 provides guidance on the implementation of the Panamanian preference provisions of the Treaty's Implementing Agreement.

3525.801-75 Customary local business usage.

In acquisitions conducted in the Republic of Panama, customary local business usage, where not inconsistent with the applicable Federal law of the United States, may be followed. When conflicts develop between local business usage and the requirements of the Federal Acquisition Regulation, the matter shall be referred to the Procurement Executive, who shall seek the opinion of legal counsel, as a deviation for processing as required by 3501.405 and FAR 1.405.

3525.801-76 Contract clauses.

As used in this subsection, the term "foreign" means any country other than the United States. The contracting officer shall insert the following clauses in solicitations and contracts, as indicated below:

(a) In lieu of FAR clause 52.225-14, Inconsistency Between English Version and Translation of Contract, the clause at 3552.225-70, Language, whenever foreign offers are anticipated or contracts are awarded to foreign contractors.

(b) The clause at 3552.225-71, Notice of Applicability of United States Federal Law, whenever foreign offers are anticipated or contracts are awarded to foreign contractors.

(c) The clause at 3552.225-72, Designated Contractors, whenever the contract work is to be performed in whole or in part in the Republic of Panama and offers are anticipated from, or contracts are awarded to, U.S. contractors.

(d) The clause at 3552.225-73, Responsibility for Observance of Laws, Orders, and Regulations, whenever the contract work is to be performed in whole or in part in the Republic of Panama.

Subchapter E—General Contracting Requirements

PART 3527—PATENTS, DATA AND COPYRIGHTS

Authority: 40 U.S.C. 486(c).

Subpart 3527.3—Patent Rights Under Government Contracts

3527.304-3 Contracts for construction work or architect-engineer services.

(b) The contracting officer shall insert the clause at 3552.227-70, Government Rights, in all solicitations and contracts for architect-engineer services or for construction involving architect-engineer services, except those that call for or can be expected to involve only "standard types of construction" to be built by previously developed equipment, methods, and processes. (See FAR 27.304-3(b) for the meaning of the term "standard types of construction".)

PART 3528—BONDS AND INSURANCE

Subpart 3528.1—Bonds

Sec.
3528.100 Scope of subpart.
3528.101 Bid or proposal guarantees.
3528.101-3 Contract clauses.
3528.102 Performance and payment bonds for construction contracts.
3528.102-1 General.
3528.102-3 Solicitation requirements.
3528.103 Performance and payment bonds for other than construction contracts.
3528.103-2 Performance bonds.
3528.103-3 Payment bonds.
3528.103-70 Contract clauses.

Subpart 3528.2—Sureties

3528.201 Requirements for sureties.
3528.202 Acceptable sureties.
3528.202-1 Corporate sureties.
3528.202-70 Corporate seals.

Subpart 3528.3—Insurance

3528.301 Policy.
3528.305 Overseas workers' compensation and war-hazard insurance.
3528.309 Contract clause for workers' compensation insurance.
3528.370 Contract clause for special Panama insurance.

Authority: 40 U.S.C. 486(c); Article XVIII of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

Subpart 3528.1—Bonds

3528.100 Scope of subpart.

Bid or proposal guarantees, performance bonds, and payment bonds in Panama Canal Commission acquisitions may be required in contracts for construction as that term is defined at FAR 36.102, and in contracts for other than construction as explained at FAR 28.103.

3528.101 Bid or proposal guarantees.

3528.101-3 Contract clauses.

(a) When a guarantee is required, the contracting officer shall insert the clause at 3552.228-70, Bid Guarantee Amount, in sealed bid solicitations and contracts, or the clause at 3552.228-75, Proposal Guarantee, in negotiated solicitations and contracts, as applicable.

(b) If the contract is to be negotiated, the contracting officer shall insert the clause at 3552.228-75, Proposal Guarantee, in lieu of the bid guarantee clause at FAR 52.228-1.

3528.102 Performance and payment bonds for construction contracts.

3528.102-1 General.

(a) The Miller Act (40 U.S.C. 270a-270f) requires performance and payment bonds for any construction contract (including contracts for alteration, or repair of any public building or public work) exceeding $25,000, except that this requirement may be waived by the contracting officer for work to be performed in a foreign country upon the finding contemplated in FAR 28.102-1(a)(1). It has been determined by the Panama Canal Commission General Counsel, however, that the contracting officer may also establish requirements for such bonds for lesser dollar value contracts when it has been determined that the financial protection against damages is in the best interests of the Government. Accordingly, the provisions of 3528.102-3 regarding solicitation requirements must be followed.

3528.102-3 Solicitation requirements.

When performance or payment bonds are required, the contracting officer shall insert the clauses at 3552.228-71, Bonds and Insurance, and 3552.228-72, Bonds, in the solicitation and contract.

3528.103 Performance and payment bonds for other than construction contracts.

3528.103-2 Performance bonds.

(a) Contracts for high dollar acquisitions of vital supplies, such as cargo lot shipments of Bunker C fuel oil, is another situation that may warrant a performance bond.

3528.103-3 Payment bonds.

(a) A payment bond may be considered to be in the Government's interest when substantial progress payments are made before delivery of end items starts (for example, in the acquisition of tugboats and dredges).

3528.103-70 Contract clauses.

(a) *Performance bonds.* When a performance bond for other than construction contracts is required pursuant to FAR 28.103-2(a), but a payment bond is not required, the contracting officer shall insert the clause at 3552.228-76, Performance Bond, in all such solicitations and contracts. If a payment bond is also required (see FAR 28.103-3(a) and 3528.103-3(a)), the contracting officer shall insert the clause at 3552.228-77, Performance and Payment Bonds, in lieu of clause 3552.228-76.

(b) *Payment bonds.* When a payment bond for other than construction contracts is required pursuant to FAR 28.103-3(a) and 3528.103-3(a), the contracting officer shall insert the clause at 3552.228-77, Performance and Payment Bonds, in all such solicitations and contracts.

Subpart 3528.2—Sureties

3528.201 Requirements for sureties.

(a) In addition to those acceptable forms of security enumerated in FAR 28.201, contracting officers may accept such Panamanian sureties as may be approved in accordance with 3528.202-1(b).

(b) Contracting officers may not preclude the use by any offeror of any type of security or surety permitted by FAR subpart 28.2 or this subpart.

3528.202 Acceptable sureties.

3528.202-1 Corporate sureties.

(b) The authority delegated to contracting officers in FAR 28.202-1(b) to determine the acceptability of sureties not appearing on Treasury Department Circular 570 for contracts performed in a foreign country is vested in the Chief Financial Officer of the Panama Canal Commission. The procedure for approving such sureties is prescribed in the Commission's Financial Systems Manual 99.333.

3528.202-70 Corporate seals.

(a) In the event that a "Corporate Seal," as required in the instructions for preparation of any standard form or document, is not used due to the dictates of custom, practice, or law within Panama or other foreign countries, such bonds shall be accepted provided the contracting officer is satisfied, with the concurrence of legal counsel, that the person signing the bond is authorized to bind the surety (see FAR 4.102).

(b) In the case of acquisitions conducted using the sealed bid method described in FAR part 14, bids which do not include required bid bonds must be rejected as nonresponsive except as provided in FAR 28.101-4. See also FAR 14.405 regarding minor informalities or irregularities in bids.

Subpart 3528.3—Insurance

3528.301 Policy.

(b) In addition to the requirements of FAR 28.301(b), designated contractors (see 3525.801-73(a)), as prescribed at paragraph 7 of Article XVIII of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977, shall, upon initiation of work or construction activities, obtain appropriate insurance to cover civil liabilities in the Republic of Panama that may arise as a result of acts or omissions done in the performance of official duty by their employees. The insurance coverage shall include coverage for the tortious conduct of their employees. Such insurance may be obtained from insurance companies licensed to engage in such business within the Republic of Panama.

3528.305 Overseas workers' compensation and war-hazard insurance.

(d) Pursuant to a waiver granted by the Secretary of Labor, effective January 22, 1980, the provisions of the Defense Base Act are not applicable to any public-work contract awarded by the Panama Canal Commission in the Panama Canal area with respect to non-U.S. citizen employees, i.e., any Panamanian or other foreign national, employed under such contracts. The waiver does not apply, however, to employees who are:

(1) Hired in the United States by any contractor;

(2) Residents of the United States; or

(3) Citizens of the United States.

The waiver was granted with the proviso that the non-U.S. citizen employees thus exempted from the provisions of the Defense Base Act will be provided workers' compensation benefits prescribed in the Panamanian Social Security System.

3528.309 Contract clause for workers' compensation insurance.

(a) In addition to FAR clause 52.228-3, Workers' Compensation Insurance (Defense Base Act), prescribed at FAR 28.309(a)(1), the contracting officer shall insert the clause at 3552.228-73, Non-U.S. Workers' Compensation Insurance, in all public-work solicitations and contracts in which the employment of Panamanian or other foreign nationals is anticipated (see 3528.305(d)).

3528.370 Contract clause for special Panama insurance.

The contracting officer shall insert the clause at 3552.228-74, Special Panama Insurance, in all public-work solicitations and contracts:

(a) Which are to be performed in whole or in part in the Republic of Panama, and

(b) For which offers are anticipated from, or contracts are awarded to, U.S. contractors.

PART 3529—TAXES

Subpart 3529.4—Contract Clauses

Authority: 40 U.S.C. 486(c); Articles XI and XII of the Agreements in Implementation of Articles III and IV of the Panama Canal Treaty of 1977, respectively.

Subpart 3529.4—Contract Clauses

3529.402 Foreign contracts.

3529.402-1 Foreign fixed-price contracts.

(a) *Procedures regarding FAR clause 52.229-6.* In recognition of the fundamental purpose of paragraph 2(e) of Articles XI and XII of the Agreements in Implementation of Articles III and IV of the Panama Canal Treaty of 1977, respectively, representatives of the Governments of the United States and Panama approved an Agreement on Taxation of Contractors on August 6, 1986. This taxation agreement impacts on U.S. contractors in certain circumstances. In order to alert prospective contractors to this possibility, the following procedures shall apply regarding FAR clause 52.229-6:

(1) The contracting officer shall supplement FAR clause 52.229-6, Taxes—Foreign Fixed-Price Contracts, by inserting the following note at the end of the clause in all solicitations and contracts, unless the acquisition is a small purchase under FAR part 13 that:

(i) Will not require the contractor's presence in Panama, or

(ii) Does not solicit U.S. offerors:

Note: If the Contractor is a U.S. contractor, such contractor is advised that, pursuant to a taxation agreement between the Governments of the United States and Panama, U.S. contractors and subcontractors, including their U.S. citizen or U.S. permanent resident employees, may be required to file tax returns with, as well as provide corresponding U.S. tax information to, the Government of Panama on income arising under or relating to Panama Canal Commission contracts. This requirement is applicable when the contractor, subcontractor, or individual employee is present in the Republic of Panama in connection with one or more Commission contracts for more than 90 calendar days during the relevant tax year. This description of the stated requirement is not intended, nor should it be construed, to be a legal analysis

of the taxation agreement. The Commission assumes no responsibility or liability for a contractor's or individual's obligation under the taxation agreement, nor for the interpretation of such agreement. A copy of the taxation agreement will be provided to the contractor or prospective contractor upon request to the contracting officer.

(2) If clause 52.229–6 is incorporated by reference, rather than in full text, insert the note directly below the title of the clause.

(3) Include elsewhere in the body of the solicitation the following note to alert offerors that clause 52.229–6 has been supplemented. In supply and service solicitations, this note should normally be inserted in Section B following the blanks provided for offerors to insert line item prices. In construction solicitations, the note should normally be attached to Standard Form 1442 or inserted in the solicitation's Special Conditions. In small purchase acquisitions, the note is to be included in the document requesting prices or by separate attachment to the document. If a U.S. contractor wins the small purchase award, the note shall be incorporated either (i) in full text, or (ii) by reference, on the purchase order or other award document.

Note: Offerors' attention is directed to the note added at the end of clause 52.229–6, Taxes—Foreign Fixed-Price Contracts. The note is an advisory notice regarding possible tax obligations under certain circumstances of U.S. contractors, subcontractors, and their employees to the Government of Panama. If the circumstances appear to be applicable, offerors may obtain additional information by contacting the contracting office at the address or phone number provided elsewhere in this solicitation.

(4) If additional information regarding the taxation agreement is requested of Panama Canal Commission employees, either before or after award, the individual who receives the request shall promptly notify the contracting officer and the Office of General Counsel who shall determine, in conjunction with the Office of Executive Administration, the appropriate action to be taken.

(5) Contracting officers shall serve as the official liaison, for purposes of the taxation agreement, between offerors/contractors and the Commission. The taxation agreement provides for the classification of contractors into two categories, resident and non-resident, by representatives of the Governments of the United States and Panama according to criteria set forth in the agreement. The representative of the United States Government is the Assistant Director, Policy and Programs, Office of Executive Administration. Classifications, when confirmed by the two representatives, will be communicated to the respective contractors by the contracting officer.

PART 3531—CONTRACT COST PRINCIPLES AND PROCEDURES

Authority: 40 U.S.C. 486(c).

Subpart 3531.2—Contracts with Commercial Organizations

3531.205–46 Travel costs.

(a) Fixed-price type contracts that provide for separate reimbursement of travel and per diem shall state that such reimbursement will not exceed rates established in applicable Federal Travel Regulations.

(b) The clause at 3552.231–70, Travel Costs, shall be included in contracts as described in paragraph (a) of this subsection.

PART 3532—CONTRACT FINANCING

Sec.

Authority: 40 U.S.C. 486(c).

3532.000 Scope of part.

This part implements and supplements FAR part 32 and provides Commission policies and procedures for contract financing and other payment matters, including—

(a) Advance payments;

(b) Contract debts;

(c) Assignment of claims; and

(d) Prompt payment implementation.

Subpart 3532.1—General

3532.111 Contract clauses.

(a) (7) The clause at 3552.232–70, Contract Payments, in solicitations and contracts for construction when the contracting officer determines that the value of materials delivered to the work site may be taken into account in preparing the progress payment estimate.

(8) The clause at 3552.232–73, Invoices, in all solicitations and contracts except small purchases. The clause or a modified version of the clause may be used in small purchases.

Subpart 3532.4—Advance Payments

3532.402 General.

(e) (1) The Procurement Executive is responsible for approving findings and determinations supporting the use of advance payments and approving contract terms concerning advance payments. These approvals must have the concurrence of the General Counsel.

(2) The contracting officer shall coordinate proposed advance payment authorizations with the Accounting Division.

3532.407 Interest.

(d) The Procurement Executive is authorized to approve advance payments without interest.

Subpart 3532.6—Contract Debts

3532.600 Scope of subpart.

This subpart assigns responsibilities and provides procedures for the collection of contract debts, including collection of debts under contracts for the transportation of household goods.

3532.601 Definition.

Responsible official, as used in this subpart, means the contracting officer.

3532.602 General.

In addition to the examples cited in FAR 32.602, contract debts may include those arising from claims under contracts for the transportation of household goods.

3532.603 Applicability.

When the Commission withholds payments due a contractor to satisfy a contractor's debt to the Government, the Debt Collection Act of 1982 and FAR subpart 32.6 apply. As a claim arising under a Government contract, any offset is governed by the Contract Disputes Act of 1979.

3532.608 Negotiation of contract debts.

3532.608-70 Procedures.

The Commission shall adhere to the following procedures prior to withholding a payment due a contractor to satisfy a debt owed by the contractor.

(a) The Commission shall use all proper means available for collecting a contract debt as rapidly as possible. This includes direct communication to obtain full payment or to negotiate an appropriate settlement.

(b) If the contractor fails to respond expeditiously and in good faith to contacts from the contracting officer, and if justifiable under the contract, the contracting officer shall promptly make a unilateral determination of the amount the contractor owes the Commission. The unilateral debt determination is made when neither payment nor a settlement has been reached. The unilateral debt determination is issued to the contractor by the contracting officer as a final decision under the Contract Disputes Act.

(c) A demand for payment of the contract debt shall be made contemporaneously with the contracting officer's issuance of the unilateral debt determination to the contractor.

3532.610 Demand for payment of contract debt.

(b) Demands for payment shall include, in addition to those items listed in FAR 32.610(b), the following:

(1) The offer of an opportunity to inspect and copy the records of the Commission related to the debt, 31 U.S.C. 3716(a)(2).

(2) The offer of an opportunity of a review of the Commission's decision relating to the debt, 31 U.S.C. 3716(3).

(3) The offer of an opportunity to enter into an agreement with the Commission to repay the amount of the debt.

(c) With respect to contracts for the transportation of household goods, claims by employees and, in turn, by the Commission, must be processed in a timely manner. The usual commercial terms for bills of lading require that any claim be filed against the contractor within nine months of shipment delivery. Government bills of lading are subject to these same rules and conditions. FAR clause 52.247-23, which is included in contracts for the transportation of household goods, specifies that the contractors will be notified of any damages within a maximum of 45 days from date of delivery.

Subpart 3532.7—Contract Funding

3532.705 Contract clauses.

3532.705-1 Clauses for contracting in advance of funds.

In lieu of either of the clauses prescribed at FAR 32.705-1(a) and (b), the contracting officer may insert the clause at 3552.232-71, Availability of Funds, in solicitations and contracts—

(a) That are to be awarded in one fiscal year with performance to begin in the following fiscal year, or

(b) That are to extend into the following fiscal year, or

(c) In situations when the circumstances in paragraphs (a) and (b) of this subsection both apply.

Subpart 3532.8—Assignment of Claims

3532.802 Conditions.

(b) Panamanian firms may assign contracts to a local bank in accordance with recognized local banking practice.

3532.806 Contract clause.

(a) In addition to the clauses prescribed in FAR 32.806, the contracting officer may insert the clause at 3552.232-72, Presentation of Statement of Release from Claims, in solicitations and contracts when appropriate, unless the contract will prohibit the assignment of claims.

Subpart 3532.9—Prompt Payment

3532.901 Applicability.

In consonance with subpart 3570.1, Panamanian Preference, the Administrator has determined, pursuant to FAR 32.904, to extend coverage of the interest penalty provisions of FAR subpart 32.9 to contracts awarded to Commission vendors located in the Republic of Panama.

PART 3533—PROTESTS, DISPUTES, AND APPEALS

Sec.

Authority: 40 U.S.C. 486(c).

3533.000 Scope of part.

This part prescribes Commission policies and procedures for filing protests and for processing contract disputes and appeals.

Subpart 3533.1—Protests

3533.103 Protests to the agency.

(a) The cognizant Head of the Contracting Activity is the official designated to make the determination(s) required by FAR 33.103(a)(1), (2), or (3) whenever an award is contemplated notwithstanding the protest to the agency.

(c) (1) Protests to the Commission based upon alleged improprieties in a solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed with the contracting officer prior to bid opening or the closing date for receipt of initial proposals, or any extended bid opening or closing date for receipt of proposals.

(2) All other protests to the Commission shall be filed with the contracting officer not later than 10 working days after the basis of the protest is known or should have been known.

(d) The General Counsel shall review protests to the Commission as a matter of first priority, and advise the contracting officer expeditiously.

(e) The contracting officer shall decide protests to the Commission within 10 working days from receipt of a protest and promptly inform the protestor and other interested parties of that decision.

3533.104 Protests to GAO.

(a) *General.* Protests to the General Accounting Office (GAO) concerning Commission acquisitions shall be processed in accordance with FAR 33.104. The General Counsel shall prepare the report to GAO required at FAR 33.104(a)(5) and shall serve as the designated contact office for GAO. The contracting officer shall review protests to GAO as a matter of first priority, and shall advise, support, and furnish information to the General Counsel expeditiously.

Subpart 3533.2—Disputes and Appeals

3533.203 Applicability.

Pursuant to an interagency agreement between the Panama Canal Commission and the Corps of Engineers Board of Contract Appeals (ENGBCA), the ENGBCA will hear appeals from final decisions of Commission contracting officers issued pursuant to the Contract Disputes Act.

Subchapter F—Special Categories of Contracting

PART 3536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Subpart 3536.1—General

Subpart 3536.2—Special Aspects of Contracting for Construction

Subpart 3536.3—Special Aspects of Sealed Bidding in Construction Contracting

Subpart 3536.5—Contract Clauses and Form

Subpart 3536.6—Architect-Engineer Services

Authority: 40 U.S.C. 486(c).

Subpart 3536.1—General

3536.101 Applicability.

(a) Construction, which includes alteration, maintenance, and repair of real property, and architect-engineer contracts are subject to the requirements in other parts of this regulation, which shall be followed when applicable.

(b) When a requirement in this part is inconsistent with a requirement in another part of this regulation, this part 3536 shall take precedence if the acquisition of architect-engineer services is involved.

3536.103 Methods of contracting.

(a) Notwithstanding the exception in FAR 36.103(a) for contracts to be performed outside the United States, construction in Panama shall be acquired using sealed bid procedures, unless one of the four conditions in FAR 6.401(a) cannot be met. In that event, the contracting officer shall document the contract file in accordance with FAR 6.401.

(b) Contracting officers shall acquire architect-engineer services by negotiation, and select sources in accordance with applicable law, FAR subpart 36.6, and subpart 3536.6 of this regulation.

Subpart 3536.2—Special Aspects of Contracting for Construction

3536.201 Evaluation of contractor performance.

(a) *Preparation of performance evaluation reports.* The authorized representative of the contracting officer (COR) shall prepare the contractor performance report prescribed in FAR 36.201 within two weeks after final acceptance of the work or contract termination. Prior to submitting any report of unsatisfactory performance to the reviewing official, the COR shall advise the contractor of any proposed unsatisfactory rating and include any written comments from the contractor regarding such rating in the report (see FAR 36.201(a)(3)).

(b) *Review of performance reports.* The contracting officer shall review each performance report.

(c) *Distribution and use of performance reports.* Information from the performance report shall not be released outside of the Commission, except to other Government agencies at their written request, and on condition that the information will not be made available outside the Government. Requests from non-Government sources for information from performance reports shall be processed in accordance with 35 CFR part 9.

3536.203 Government estimate of construction costs.

(c) The overall amount of the Government's estimate shall not be disclosed prior to award under any circumstance to persons other than Commission personnel whose official duties, as determined by the contracting officer, require knowledge of the estimate.

3536.207 Pricing fixed-price construction contracts.

3536.207-70 Use of indefinite-delivery contracts.

Any of the forms of indefinite-delivery contracts described in FAR subpart 16.5 may be used to contract for construction when deemed appropriate by the contracting officer.

3536.209 Construction contracts with architect-engineer firms.

No contract for construction shall be awarded to the firm, or its subsidiaries or affiliates, that designed the project except with the approval of the Head of Contracting Activity.

3536.270 Special aspects of contracting for construction in Panama.

3536.270-1 General.

In contracts which are entered into with Panamanian or other foreign contractors for performance in Panama, the term "United States" shall appear before the word "Government."

3536.270-2 Special contract considerations.

When construction is to be performed in the Republic of Panama by designated United States contractors, Panamanian contractors, or others, the solicitation and contract should include references to the applicable laws, regulations, treaties, and agreements of the United States and the Republic of Panama (see subpart 3525.8) relating to:

(a) The duty-free importation of material and equipment;

(b) The payment of taxes applicable to contractors, personnel, materials, and equipment (see parts 3525 and 3529);

(c) The applicability of workmen's compensation laws and other labor laws to citizens of the United States, citizens of Panama, and citizens of other countries (see subpart 3528.3);

(d) The provision of utility services;

(e) The provision of Commission or Government-owned materials or services;

(f) The disposition of surplus materials and equipment;

(g) The need for civil liability insurance for employees of contractors and subcontractors (see 3528.301);

(h) The handling of claims and litigation;

(i) The requirements for bid or proposal guarantees, performance bonds, and payment bonds (see subpart 3528.1);

(j) Acceptability of sureties not listed in Treasury Department Circular 570 (see subpart 3528.2);

(k) Consideration of Panamanian preference in accordance with part 3570;

(l) Any other special solicitation provisions prescribed in Subpart 3536.3; and

(m) Any other problems which can be foreseen and appropriately resolved contractually.

Subpart 3536.3—Special Aspects of Sealed Bidding in Construction Contracting

3536.303 Invitations for bids.

3536.370 Additive items.

Prior to the issuance of an invitation for bids, the contracting officer shall ascertain that adequate funds have been certified as being available for the proposed acquisition. However, if funds appear to be insufficient for all features of the Government's requirement, the contracting officer shall insert in the invitation a solicitation provision for a base bid and one or more additive items, as prescribed at 3536.371(a) (7) or (8).

3536.371 Solicitation provisions.

(a) The contracting officer shall insert the following provisions in invitations for bids for construction when applicable:

(1) The provision at 3552.214–70, Price—Sealed Bidding, as prescribed at 3514.201–6(a)(1);

(2) The provision at 3552.214–71, Additional Data To Be Submitted, as prescribed at 3514.201–6(b)(1);

(3) The provision at 3552.214–72, Rejection of Bids, as prescribed at 3514.201–6(b)(2);

(4) The provision at 3552.214–73, Caution—Sealed Bidding, as prescribed at 3514.201–6(a)(2);

(5) The provision at 3552.214–75, All or None Award—Sealed Bidding—Construction, as prescribed at 3514.201–6(d);

(6) The provision at 3552.236–70, Mailing of Correspondence and Bids, in all invitations for bids for construction;

(7) The provision at 3552.236–71, Additive Items, in invitations for bids for construction that contain one or more additive bid items to be awarded with the base bid item in the numerical order of priority that the additive bid items appear in the bid schedule within the funds available;

(8) The provision at 3552.236–71, Additive Items—Alternate I, in invitations for bids for construction that contain one or more additive bid items to be awarded with the base bid item in any combination within the funds available; and

(9) The provision at 3552.236–72, Cost Limitation, in invitations for bids for construction that contain one or more items subject to statutory cost limitations, except when a waiver has been granted pursuant to FAR 36.205.

(b) The contracting officer shall insert the following provisions in negotiated solicitations for construction when applicable:

(1) The provision at 3552.215–70, Price, as prescribed at 3515.407(a)(1);

(2) The provision at 3552.215–71, Caution, as prescribed at 3515.407(a)(2); and

(3) The provision at 3552.215–72, All or None Award, as prescribed at 3515.407(b).

(c) The contracting officer shall insert the provision at 3552.209–70, Organizational Conflict of Interest Certification/Disclosure, in invitations for bids and negotiated solicitations for construction when applicable, as prescribed at 3509.508–1.

Subpart 3536.5—Contract Clauses and Form

3536.570 Special Panama Canal Commission contract clauses.

The contracting officer shall insert the following clauses in solicitations and contracts for construction when applicable:

(a) The clause at 3552.225–70, Language, as prescribed at 3525.801–76(a);

(b) The clause at 3552.225–71, Notice of Applicability of United States Federal Law, as prescribed at 3525.801–76(b);

(c) The clause at 3552.225–72, Designated Contractors, as prescribed at 3525.801–76(c);

(d) The clause at 3552.225–73, Responsibility for Observance of Laws, Orders, and Regulations, as prescribed at 3525.801–76(d);

(e) The clause at 3552.228–70, Bid Guarantee Amount, or the clause at 3552.228–75, Proposal Guarantee, as prescribed at 3528.101–3(a). If the proposal guarantee clause is used, the bid guarantee clause at FAR 52.228–1 shall not be used (see 3528.101–3(b));

(f) The clause at 3552.228–71, Bonds and Insurance, as prescribed at 3528.102–3;

(g) The clause at 3552.228–72, Bonds, as prescribed at 3528.102–3;

(h) In addition to FAR clause 52.228–3, Workers' Compensation Insurance (Defense Base Act), the clause at 3552.228–73, Non-U.S. Workers' Compensation Insurance, as prescribed at 3528.309(a);

(i) The clause at 3552.228–74, Special Panama Insurance, as prescribed at 3528.370;

(j) In addition to FAR clause 52.232–5, Payments Under Fixed-Price Construction Contracts, the clause at 3552.232–70, Contract Payments, as prescribed at 3532.111(a)(7), the clause at 3552.232–72, Presentation of Statement of Release from Claims, as prescribed at 3532.806(a), and the clause at 3552.232–73, Invoices, as prescribed at 3532.111(a)(8);

(k) The clause at 3552.236–73, Scope of Work, in all solicitations and contracts for construction;

(l) In addition to FAR clause 52.236–10, Operations and Storage Areas, the clause at 3552.236–74, Work Sites, Yards, Shops, and Offices, when a fixed-price construction contract is contemplated;

(m) The clause at 3552.236–75, Work Time Limitations, in all solicitations and contracts for construction;

(n) In lieu of FAR clause 52.236–13, Accident Prevention, insert the clause at 3552.236–76, Accident Prevention, when a fixed-price construction contract is contemplated;

(o) The clause at 3552.236–77, Working in Confined Spaces, when the contracting officer anticipates that the contractor may have to work in confined or enclosed spaces;

(p) The clause at 3552.236–78, Safety Sign, when the contracting officer determines that the location of the work site warrants its inclusion;

(q) The clause at 3552.236–79, Protection of Material and Work, in all solicitations and contracts for construction;

(r) The clause at 3552.236–80, Toilet Facilities, when the contracting officer determines that the location of the work site warrants its inclusion;

(s) The clause at 3552.236–81, Drinking Water, when the contracting officer determines that the location of the work site warrants its inclusion;

(t) In addition to FAR clause 52.236–15, Schedules for Construction Contracts, the clause at 3552.236–82, Contract Bid Breakdown, when a fixed-price construction contract is contemplated and the period of actual work performance is expected to exceed 60 days;

(u) In addition to FAR clause 52.236–21, Specifications and Drawings for Construction, and FAR clause 52.236–5, Material and Workmanship, the clauses at: 3552.236–83, Descriptive Data and Correspondence, 3552.236–84, Instruction Books, and 3552.236–85, Record Drawings, when a fixed-price construction contract is contemplated;

(v) The clause at 3552.236–86, Restricted Areas, when the contracting officer anticipates that any portion of the contract work may have to be performed in a restricted area;

(w) The clause at 3552.243–70, Modification Proposals—Price Breakdown, as prescribed at 3543.205;

(x) The clause at 3552.244–70, Subcontractors, in all solicitations and contracts for construction;

(y) The clause at 3552.236–87, Surplus Space, in all solicitations and contracts for construction. The clause may also be used in solicitations and contracts for supplies or services if the contracting officer determines that its use is appropriate.

(z) The clause at 3552.209–71, Organizational Conflict of Interest, as prescribed at 3509.508–2.

3536.571 Special Panama Canal Commission form.

Panama Canal Form 3062, Submittal Data For Approval, shall be used by contractors as a transmittal document when data and/or samples are to be submitted for the contracting officer's approval pursuant to FAR clause 52.236–5 or clause 3552.236–83 of this regulation.

Subpart 3536.6—Architect-Engineer Services

3536.602 Selection of firms for architect-engineer contracts.

3536.602–2 Evaluation boards.

(a) The Panama Canal Commission Architect-Engineer Evaluation Board is established as a central board within the Commission under authority delegated to the Director, Engineering and Construction Bureau. The Board shall perform all Commission architect-engineer evaluations, data collection, and files maintenance. The Commission Board shall be composed of not less than three nor more than five voting members and one non-voting advisory member from the contracting office. The following constitutes the minimum composition of the Board:

(1) Member and Chairman—A designee of the Chief, Engineering Division;

(2) Member—A professional engineer or architect from a division of one of the Commission's other bureaus, to be designated by the Chairman;

(3) Member—A program official initiating the requirement or a designated representative; and

(4) Advisory Member—A contracting officer or representative.

(b) The Chief, Engineering Division may appoint additional voting members as may be appropriate for a particular project.

(c) In the event of an emergency or extended absence, a member may designate, in writing, with the concurrence of the Chairman, an alternate experienced in architecture, engineering, or construction to serve in the member's absence.

(d) The duties of the advisory member shall include, but not be limited to, assuring that—

(1) The criteria set forth in the public notice are applied in the evaluation process; and

(2) Actions taken during the evaluation process do not compromise subsequent procurement actions.

3536.602–4 Selection authority.

The Director, Engineering and Construction Bureau shall serve as the Commission's selection authority for the evaluation board.

3536.602–5 Short selection processes for contracts not to exceed $10,000.

Both short selection processes permitted by FAR 36.602–5 are authorized.

3536.604 Performance evaluation.

Evaluation of architect-engineer contracts shall be in accordance with the procedures prescribed in 3536.201, except that SF 1421, Performance Evaluation (Architect-Engineer), shall be used in lieu of SF 1420, and that a copy of the performance evaluation shall be provided to the Architect-Engineer Evaluation Board for its files pursuant to FAR 36.604(c).

3536.605 Government cost estimate for architect-engineer work.

(b) The overall amount of the Government's cost estimate shall not be disclosed under any circumstance to persons other than Government personnel whose official duties, in the judgment of the contracting officer, require knowledge of the estimate.

3536.606 Negotiations.

(a) Negotiations shall be conducted with the first selected architect-engineer until a price which is fair and reasonable and not in excess of the Government estimate, revised to correct errors of fact or judgment, has been obtained. When the negotiations result in a price in excess of the Government estimate, as revised, the contracting officer shall terminate the negotiations and request a proposal from the architect-engineer next in order of preference.

(1) In no event shall a contract for architect-engineer services for the preparation of designs, plans, drawings and specifications exceed the statutory limitation of six percent (6 percent) of the estimated construction costs of the project. If the contract also covers any type of services other than the preparation of designs, plans, drawings and specifications, the part of the contract price for such other services shall not be subject to the six percent (6 percent) limitation.

3536.606–70 Modifications.

When a modification involves work not initially included in the contract, the limitation on the total contract price set forth in 3536.606(a)(1) is applicable, as applied to the revised total estimated construction costs. When redesign is required and the contract is modified, the following method shall be used to insure that the six percent (6 percent) statutory limitation is not exceeded:

(a) The estimated construction cost of the redesigned features will be added to the original estimated construction cost;

(b) The contract cost for the original design will be added to the contract cost for redesign; and

(c) The total contract design cost obtained by paragraph (b) of this subsection will be divided by the total construction cost obtained by paragraph (a) of this subsection. The resulting percentage may not exceed the six percent (6 percent) statutory limitation.

3536.670 Government rights to plans, specifications, and drawings.

All solicitations and contracts for architect-engineer services or for construction involving architect-engineer services, except those involving "standard types of construction", shall contain the clause at 3552.227–70, Government Rights, as prescribed at 3527.304–3(b).

PART 3537—SERVICE CONTRACTING

Authority: 40 U.S.C. 486(c).

3537.000 Scope of part.

This part implements FAR part 37 and provides additional Commission policies and procedures for the acquisition of personal and nonpersonal services, including advisory and assistance services.

Subpart 3537.1—Service Contracts—General

3537.102 Policy.

(a) The Commission's policy regarding the contracting out of commercial services is set forth at 3507.301.

3537.104 Personal services contracts.

(b) Authority for the acquisition by contract of the personal services of experts and consultants is found at 5 U.S.C. 3109 which provides that, when authorized by an appropriation or other statute, the head of an agency may acquire by contract the temporary (not to exceed one year) or intermittent services of experts or consultants. For the purpose of this section, the terms "experts" and "consultants" are not interchangeable. Consequently, their meanings are distinguishable from the meaning of the collective term "Individual experts and consultants" at FAR 37.203(a). As used herein, an "expert" is an individual who is a recognized professional or highly skilled practitioner normally used to perform or supervise an operating function, rather than to provide advisory or consulting services. A "consultant", as used herein, is an individual possessing special, current knowledge or skill who primarily serves in an advisory capacity in a particular field, rather than in the performance or supervision of an operating function. Acquiring the personal services of individual experts or consultants shall be subject to the limitations applicable to advisory and assistance services at FAR 37.202(c). In addition, the services of individual experts and consultants shall be acquired through personal services contracts only—

(1) When the services required cannot be obtained by appointment in accordance with standard Commission personnel procedures, and

(2) If the nature of the duties to be performed is temporary (not more than one year) or intermittent (not cumulatively more than 130 days in one year). Accordingly, no such contract shall be entered into for longer than one year at a time.

3537.104-70 Procedures.

Requests for the acquisition of personal services should include:

(a) A description of the services to be performed;

(b) Name and address of the person or firm;

(c) Background material to show the unique qualifications of such person or firm to accomplish the requirement;

(d) Place where the duties are to be performed and the period of service;

(e) The estimated cost; and

(f) Determinations that:

(1) It is not feasible to obtain personnel with the necessary skills through standard Commission personnel appointment procedures;

(2) A nonpersonal services contract is not practicable; and

(3) Existing staffing is inadequate to furnish the services.

Subpart 3537.2—Advisory and Assistance Services

3537.200 Scope of subpart.

This subpart provides additional policy and management controls for the acquisition of personal and nonpersonal advisory and assistance services.

3537.202 Policy.

(d) The acquisition of advisory and assistance services shall conform to the Competition in Contracting Act of 1984. Preference shall, however, be given to sources located in the Republic of Panama when the services are available as required and are comparable in quality and price to those which may be obtained from other sources (see part 3570). However, see subpart 3503.6 concerning contracts with current or former Commission employees.

3537.204 Exclusions.

In addition to the exclusions or exemptions identified at FAR 37.204, the services of arbitrators for the resolution of labor disputes are exempted from the definition of advisory and assistance services. As authorized by section 7121 of the Federal Service Labor-Management Relations Act, 5 U.S.C. 7121, the procedure for the contracting of arbitrators shall be governed by the negotiated grievance procedure set forth in the individual collective bargaining agreements between the Commission and the various certified representatives (i.e., unions).

3537.206 Requesting activity responsibilities.

(c) Requests for the acquisition of advisory and assistance services shall include the documentation required at FAR 37.206 (a), (b), and (d), and shall be prepared by the initiating bureau director or head of independent unit and forwarded to the Administrator for approval, through, in turn, the Personnel Director; General Counsel; and the General Services Director for their review and concurrence. Before the proposal is routed to the Administrator, the General Services Director will add the cognizant contracting officer's determination as to whether or not the requested acquisition constitutes advisory and assistance services as described in FAR subpart 37.2. As mandated by FAR 37.207, the contracting officer's determination shall be final.

3537.206-70 Procedures.

(a) When a request has been approved pursuant to 3537.206(c), the initiating bureau director or head of independent unit shall—

(1) Forward all papers to the cognizant contracting officer for processing the contract action. If not already included in the request for approval, the forwarding official shall provide the contracting officer with a work statement that is specific and complete, including: a detailed description of services to be performed; the place where the services are to be performed; the period of performance; the names and addresses of potential contractors (if applicable); and any other information the contracting officer considers to be pertinent.

(2) Coordinate with the Director, Office of Executive Administration or the contracting officer, as applicable, to obtain certification as a Panama Canal Commission designated contractor, entry/exit permits, identification cards, and any other required legal documents.

(3) Prepare replies to all inquiries from the General Accounting Office, the Office of Management and Budget, and the Congress, in coordination with the Personnel Director, Chief Financial Officer, General Counsel and the contracting officer, as may be necessary.

(b) At the conclusion of the contract, the initiating bureau director or head of independent unit shall furnish to the contracting officer the written evaluation required at FAR 37.205.

3537.270 Duration.

No contract for advisory and assistance services shall be entered into for longer than one year at a time. In unusual circumstances, and when approved by the Administrator, options for additional one-year extensions may be used when the need for continuity of services carries beyond a one-year period. In no case shall the total period under a specific contract exceed the basic year plus four additional optional years.

Subchapter G—Contract Management

PART 3542—CONTRACT ADMINISTRATION

Authority: 40 U.S.C. 486(c).

Subpart 3542.12—Novation and Change-of-Name Agreements

3542.1200-70 Policy.

When "CORPORATE SEALS," as required in the instructions for preparation and execution of novation agreements in FAR 42.1204 and in agreements to recognize contractor's change of name in FAR 42.1205, are not used due to the dictates of custom, practice, or law within the Republic of Panama or other foreign countries, the contracting officer may execute such agreements, provided the contracting officer, with the concurrence of legal counsel, is satisfied that the persons signing such agreements are authorized to bind their companies.

PART 3543—CONTRACT MODIFICATIONS

Authority: 40 U.S.C. 486(c).

Subpart 3543.2—Change Orders

3543.205 Contract clauses.

The contracting officer shall insert the clause at 3552.243-70, Modification Proposals—Price Breakdown, in all solicitations and contracts for construction.

PART 3547—TRANSPORTATION

Subpart 3547.3—Transportation in Supply Contracts

Sec.
3547.306 Transportation factors in the evaluation of offers.
3547.370 Solicitation provision.

Authority: 40 U.S.C. 486(c); Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

Subpart 3547.3—Transportation in Supply Contracts

3547.306 Transportation factors in the evaluation of offers.

For purposes of evaluating comparability of costs of supplies obtainable in the Republic of Panama with those obtainable from other sources, pursuant to the Panamanian preference provisions of the Panama Canal Treaty's Implementing Agreement (see part 3570), consideration shall be given to transportation costs to the Republic of Panama, including freight, insurance and handling of supplies.

3547.370 Solicitation provision.

The contracting officer shall insert the provision at 3552.247-70, Evaluation of Delivery Terms in Contract Awards, in solicitations that include alternate terms of delivery, i.e., f.o.b. destination (New Orleans) and c.i.f. destination (Panama).

PART 3551—USE OF GOVERNMENT SOURCES BY CONTRACTORS

Subpart 3551.1—Contractor Use of Government Supply Sources

Sec.
3551.102 Authorization to use Government supply sources.
3551.103 Ordering from Government supply sources.

Authority: 40 U.S.C. 486(c).

Subpart 3551.1—Contractor Use of Government Supply Sources

3551.102 Authorization to use Government supply sources.

(a) When a contractor is performing one of the types of contracts specified in FAR 51.101, the contracting officer shall consider whether to allow the contractor to use Government supply sources. In addition to the factors listed for consideration at FAR 51.102(a), the contracting officer shall consider whether—

(1) materials necessary to the performance of the contract are not available locally except at Government sources; and

(2) materials, though available to the contractor, require such a long lead time for delivery that contractor performance is threatened if Government sources are not used.

(e)(4) In those instances where contractor-furnished equipment and materials required by a contract have been authorized by the contracting officer to be obtained through Government sources as Government-furnished equipment and materials, for reasons established by FAR part 51, the contracting officer shall negotiate a change to the contract reducing the price by the commercial cost plus transportation costs.

3551.103 Ordering from Government supply sources.

(b) "Contracting agency" as used in FAR 51.103(b) shall mean the cognizant Commission contracting officer.

Subchapter H—Clauses and Forms

PART 3552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 3552.2—Texts of Provisions and Clauses

Sec.
3552.209-70 Organizational Conflict of Interest Certification/Disclosure.
3552.209-71 Organizational Conflict of Interest.
3552.210-70 Brand Name Products or Equal
3552.214-70 Price—Sealed Bidding.

Subpart 3552.2—Texts of Provisions and Clauses

Sec.
3552.214-71 Additional Data To Be Submitted.
3552.214-72 Rejection of Bids.
3552.214-73 Caution—Sealed Bidding.
3552.214-74 All or None Award—Sealed Bidding.
3552.214-75 All or None Award—Sealed Bidding—Construction.
3552.215-70 Price.
3552.215-71 Caution.
3552.215-72 All or None Award.
3552.225-70 Language.
3552.225-71 Notice of Applicability of United States Federal Law.
3552.225-72 Designated Contractors.
3552.225-73 Responsibility for Observance of Laws, Orders, and Regulations.
3552.227-70 Government Rights.
3552.228-70 Bid Guarantee Amount.
3552.228-71 Bonds and Insurance.
3552.228-72 Bonds.
3552.228-73 Non-U.S. Workers' Compensation Insurance.
3552.228-74 Special Panama Insurance.
3552.228-75 Proposal Guarantee.
3552.228-76 Performance Bond.
3552.228-77 Performance and Payment Bonds.
3552.231-70 Travel Costs.
3552.232-70 Contract Payments.
3552.232-71 Availability of Funds.
3552.232-72 Presentation of Statement of Release from Claims.
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3552.236-70 Mailing of Correspondence and Bids.
3552.236-71 Additive Items.
3552.236-72 Cost Limitation.
3552.236-73 Scope of Work.
3552.236-74 Work Sites, Yards, Shops, and Offices.
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3552.236-76 Accident Prevention.
3552.236-77 Working in Confined Spaces.
3552.236-78 Safety Sign.
3552.236-79 Protection of Material and Work.
3552.236-80 Toilet Facilities.
3552.236-81 Drinking Water.
3552.236-82 Contract Bid Breakdown.
3552.236-83 Descriptive Data and Correspondence.
3552.236-84 Instruction Books.
3552.236-85 Record Drawings.
3552.236-86 Restricted Areas.
3552.236-87 Surplus Space.
3552.243-70 Modification Proposals—Price Breakdown.
3552.244-70 Subcontractors.
3552.247-70 Evaluation of Delivery Terms in Contract Awards.

Authority: 40 U.S.C. 486(c); Articles IX and XI of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

Subpart 3552.2—Texts of Provisions and Clauses

3552.209-70 Organizational Conflict of Interest Certification/Disclosure.

As prescribed in 3509.508-1, insert the following provision:

Organizational Conflict of Interest Certification/Disclosure (Jan 1990)

(a) An "organizational conflict of interest" exists when the nature of the work to be performed under a proposed Government contract may, without some restriction on future activities, (1) result in an unfair competitive advantage to the contractor, or (2) impair the contractor's objectivity in performing the contract work.

(b) The offeror certifies, to the best of its knowledge and belief, that it [ ] is, [ ] is not (check applicable block) aware of any information bearing on the existence of any potential organizational conflict of interest. If the offeror is aware of information bearing on whether a potential conflict may exist, the offeror shall provide a disclosure statement with its offer which describes all relevant information concerning any past, present, or planned interests bearing on whether it (including its chief executives and directors, or any proposed consultant or subcontractor) may have a potential organizational conflict of interest.

(c) The offeror should refer to FAR Subpart 9.5 and PAR Subpart 3509.5 for policies and procedures for avoiding, neutralizing, or mitigating organizational conflicts of interest.

(d) If the Contracting Officer determines that a potential conflict exists, the offeror shall not receive an award unless the conflict can be avoided or otherwise resolved through the inclusion of a special contract clause or other appropriate means. The terms of any special clause are subject to negotiation.

(End of provision)

3552.209-71 Organizational Conflict of Interest.

As prescribed in 3509.508-2, insert the following clause:

Organizational Conflict of Interest (Jan 1990)

(a) The Contractor warrants that, to the best of the Contractor's knowledge and belief: (1) There are no relevant facts or circumstances which could give rise to an organizational conflict of interest, as defined in provision 3552.209-70, Organizational Conflict of Interest Certification/Disclosure, of the solicitation; or (2) That the Contractor has disclosed all such relevant information.

(b) The Contractor agrees that if an actual or potential organizational conflict of interest is discovered after award, the Contractor will make a full disclosure in writing to the Contracting Officer. This disclosure shall include a description of actions which the Contractor has taken or proposes to take, after consultation with the Contracting Officer, to avoid, mitigate, or neutralize the actual or potential conflict.

(c) Remedies—The Panama Canal Commission may terminate this contract for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the Contractor was aware of a potential organizational conflict of interest prior to award or discovered an actual or potential conflict after award and did not disclose or misrepresented relevant information to the Contracting Officer, the Government may terminate the contract for default, debar the Contractor from Government contracting, or pursue such other remedies as may be permitted by law or this contract.

(d) The contractor further agrees to insert in any subcontract or consultant agreement hereunder, terms which shall conform substantially to the language of this clause, including this paragraph (d).

(End of clause)

3552.210-70 Brand Name Products or Equal.

As prescribed in 3510.011(h), insert the following provision:

Brand Name Products or Equal (Jan 1990)

(As used in this provision, the term "brand name" includes identification of products by make and model.)

(a) If items called for by this (*invitation for bids/request for proposals*) have been identified in the schedule by a "brand name or equal" description, such identification is characteristic of products that will be satisfactory. (*Bids/Proposals*) offering "equal" products (including products of the brand name manufacturer other than the one described by brand name) will be considered for award if such products are clearly identified in the (*bids/proposals*) and are determined by the Government to meet fully the salient characteristics, requirements listed in the invitation.

(b) Unless the (*bidder/offeror*) clearly indicates in its (*bid/proposal*) that it is offering an "equal" product, its (*bid/proposal*) shall be considered as offering a brand name product referenced in the (*invitation for bids/request for proposals*).

(c)(1) If the (*bidder/offeror*) proposes to furnish an "equal" product, the brand name, if any, of the product to be furnished shall be inserted in the space identified in the (*bid/proposal*). The evaluation of (*bids/proposals*) and the determination as to equality of the product offered shall be the responsibility of the Government and will be based on information furnished by the (*bidder/offeror*) or identified in its (*bid/proposal*) as well as other information reasonably available to the purchasing activity. Caution to (*bidders/offerors*): the purchasing activity is not responsible for locating or securing any information which is not identified in the (*bid/proposal*) and reasonably available to the purchasing activity. Accordingly, to ensure that sufficient information is available, the (*bidder/offeror*) shall furnish as part of its (*bid/proposal*) all descriptive material (such as cuts, illustrations, drawings, or other information) necessary for the purchasing activity to (i) determine whether the product offered meets the salient characteristics requirement of the (*invitation for bids/request for proposals*), and (ii) establish exactly what the (*bidder/offeror*) proposes to furnish and what the Government would be binding itself to purchase by making an award. The information furnished may include specific references to information previously furnished or to information otherwise available to the purchasing activity.

(2) If the (*bidder/offeror*) proposes to modify a product so as to make it conform to the requirements of the (*invitation for bids/request for proposals*). It shall (i) include in its (*bid/proposal*) a clear description of such proposed modifications, and (ii) clearly mark any descriptive material to show the proposed modifications.

(3) Modifications proposed after (*bid/proposal*) opening to make a product conform to a brand name product referenced in the (*invitation for bids/request for proposals*) will not be considered.

(End of provision)

3552.214-70 Price—Sealed Bidding.

As prescribed in 3514.201-6(a)(1), insert the following provision:

Price—Sealed Bidding (Jan 1990)

Only bids stating a firm, fixed-price expressed in U.S. dollars shall be considered for award. Bids that qualify the bid price in terms of the rate of exchange between U.S. dollars and a foreign currency will be rejected as nonresponsive.

(End of provision)

3552.214-71 Additional Data To Be Submitted.

As prescribed in 3514.201-6(b)(1), insert the following provision:

Additional Data to Be Submitted (Jan 1990)

Prior to award of the contract, the Contracting Officer may require the apparent low bidder to furnish the following information:

(a) Evidence establishing that the bidder maintains a permanent place of business and has satisfactory and acceptable financial resources to meet obligations incident to the work.

(b) A brief description of work experience by the bidder and the location of major projects.

(c) A list of key personnel which the bidder has available for prosecution of the work to be performed, and a brief summary of such personnel's experience in work similar to that required by this contract.

(d) A complete list and description of all equipment, shops, yards, and storage facilities that the bidder now has or will have available for commencement and prosecution of the work.

(e) Evidence establishing that the bidder positively meets responsibility requirements, such as experience, which are included in the solicitation.

(End of provision)

3552.214-72 Rejection of Bids.

As prescribed in 3514.201-6(b)(2), insert the following provision:

Rejection of Bids (Jan 1990)

Any bid will be rejected that is conditioned upon or proposes that the Panama Canal

Commission agree to the use of a price adjustment clause calling for an upward revision of the bid price or to the use of a cost-plus-fixed-fee or comparable pricing arrangement. The right is reserved, as the interest of the Panama Canal Commission may require, to reject any and all bids and to waive any informality in the bids. A bid may be rejected if the bidder fails to furnish a guaranty and submit the data required with the bid; or if the bidder cannot show to the satisfaction of the Contracting Officer that it has the experience and owns or controls by firm option, or can procure the necessary plant to commence work within the time prescribed in the specifications and, thereafter, to prosecute and complete the work at the rate or time specified; or if the bidder cannot show that he is not already obligated to perform other work contemplated in this Solicitation. Any unbalanced bid which, in the opinion of the Contracting Officer, jeopardizes the interests of the Panama Canal Commission will be subject to rejection for that reason.

(End of provision)

3552.214-73 Caution—Sealed Bidding.

As prescribed in 3514.201-6(a)(2), insert the following provision:

Caution—Sealed Bidding (Jan 1990)

Bidders are cautioned that any condition, qualification, provision, or comment in their bid, or in a letter transmitting their bid, which in any way modifies, takes exception to, or is inconsistent with the specifications, requirements, or any of the terms, conditions, or provisions of this solicitation, may require the rejection of their bid as nonresponsive.

(End of provision)

3552.214-74 All or None Award—Sealed Bidding.

As prescribed in 3514.201-6(c), insert the following provision:

All or None Award—Sealed Bidding (Jan 1990)

Notwithstanding paragraph (c) of provision 52.214-10, Contract Award—Sealed Bidding, award will be made on an "all or none" basis to one bidder for all items, in the quantities and at the unit prices specified for each item. Consequently, for the purpose of determining the most advantageous bid in accordance with paragraph (a) of provision 52.214-10, the word "price" as used therein shall be construed to mean the bidder's aggregate price for all items. Any bid which fails to quote on all items, in the quantities specified for each item, shall be rejected as nonresponsive.

(End of provision)

3552.214-75 All or None Award—Sealed Bidding—Construction.

As prescribed in 3514.201-6(d)(1), insert the following provision:

All or None Award—Sealed Bidding—Construction (Jan 1990)

Regarding paragraph (c) of provision 52.214-19, Contract Award—Sealed Bidding—Construction, award will be made on an "all or none" basis to one bidder for all items. Consequently, for the purpose of determining the most advantageous bid in accordance with paragraph (a) of provision 52.214-19, the word "price" as used therein shall be construed to mean the bidder's aggregate price for all items. As indicated in paragraph (c) of provision 52.214-18, Preparation of Bids—Construction, failure to bid on all items will disqualify the bid.

(End of provision)

Alternate I (Jan 1990).

If the construction work is not estimated to exceed $10,000, substitute the following text in place of the basic text:

A contract award will be made on an "all or none" basis to one bidder for all items at the prices specified for each item. The award will be made, without discussions, to the overall low, responsible bidder whose bid, conforming to the solicitation, will be the most advantageous to the Government considering only the bidder's aggregate price for all items and the price-related factors, if any, specified elsewhere in the solicitation. Consequently, bidders are required to bid on all items. Failure to do so will disqualify the bid.

Alternate II (Jan 1990).

If the contracting officer determines that (a) the contract work, regardless of its estimated value, will be awarded to one bidder for all the work, and (b) bidding on all items will not be required, substitute the following text in place of the basic text:

A contract award will be made on an "all or none" basis to one bidder for all the contract work. The award will be made, without discussions, to the overall low, responsible bidder whose bid, conforming to the solicitation, will be the most advantageous to the Government considering only the bidder's aggregate price for all items and the price-related factors, if any, specified elsewhere in the solicitation.

3552.215-70 Price.

As prescribed in 3515.407(a)(1), insert the following provision:

Price (Jan 1990)

Only offers stating a firm-fixed-price expressed in U.S. dollars shall be considered for award. Offers that qualify the offer price in terms of the rate of exchange between U.S. dollars and a foreign currency will be rejected as nonresponsive.

(End of provision)

3552.215-71 Caution.

As prescribed in 3515.407(a)(2), insert the following provision:

Caution (Jan 1990)

Offerors are cautioned that any condition, qualification, provision, or comment in their offer, or in a letter transmitting their offer, which in any way modifies, takes exception to, or is inconsistent with the specifications, requirements, or any of the terms, conditions, or provisions of this solicitation, may require the rejection of their offer as nonresponsive.

(End of provision)

3552.215-72 All or None Award.

As prescribed in 3515.407(b), insert the following provision:

All or None Award (Jan 1990)

Notwithstanding paragraph (d) of provision 52.215-16, Contract Award, a contract award will be made on an "all or none" basis to one offeror for all items, in the quantities and at the unit prices specified for each item. Consequently, for the purpose of determining the most advantageous offer in accordance with paragraph (a) of provision 52.215-16, the words "cost or price" as used therein shall be construed to mean the offeror's aggregate cost or price for all items. Therefore, offerors are cautioned to quote on all items, in the quantities specified for each item. Failure to do so will, in effect, eliminate the offeror from consideration for contract award in the event a contract is to be awarded on the basis of initial offers received without discussions, pursuant to paragraph (c) of provision 52.215-16.

(End of provision)

3552.225-70 Language.

As prescribed in 3525.801-76(a), Language, insert the following clause:

Language (Jan 1990)

All offers, correspondence and documents required by this solicitation or contract must be submitted in the English language. In the event of inconsistency between any terms of this solicitation or contract and any translation thereof into another language, the English language meaning shall control.

(End of clause)

3552.225-71 Notice of Applicability of United States Federal Law.

As prescribed in 3525.801-76(b), insert the following clause:

Notice of Applicability of United States Federal Law (Jan 1990)

All matters relating to the validity, construction, interpretation, performance and enforcement of the contract shall be determined in accordance with applicable federal law of the United States of America.

(End of clause)

3552.225-72 Designated Contractors.

As prescribed in 3525.801-76(c), insert the following clause:

Designated Contractors (Jan 1990)

Article XI, "Contractors and Contractors' Personnel," of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977, prescribes, among other things, that—

(a) Whenever contracts are awarded by the Commission to natural persons who are nationals or permanent residents of the United States or to corporations or other legal entities organized under the laws of the United States and under the effective control of such persons, such contractors shall be so designated by the United States and such

designations shall be communicated to the authorities of the Republic of Panama.

(b) Designated contractors shall be subject to the laws and regulations of the Republic of Panama except with respect to the special provisions established by the above named international agreement, which enumerate such obligations and benefits as, among others:

(1) Designated contractors must, while in Panama, engage exclusively in the work for which they have been contracted by U.S. Government agencies; and,

(2) Designated contractors shall be accorded the same rights established for U.S. citizens employed by the U.S. Government in Panama pertaining to Panamanian immigration requirements, relief from the payment of certain Panamanian taxes and duties, and the use of certain facilities located on U.S. military installations in Panama.

(c) The provisions of Article XI shall be similarly applied to the subcontractors and to the employees of the contractors and subcontractors and their dependents who are nationals or residents of the United States. These employees and dependents shall not be subject to the Panamanian Social Security System.

(d) Upon withdrawal of the designation of a contractor, the Commission shall notify the authorities of the Republic of Panama.

(End of clause)

3552.225-73 Responsibility for Observance of Laws, Orders, and Regulations.

As prescribed in 3525.801-76(d), insert the following clause:

Responsibility for Observance of Laws, Orders, and Regulations (Jan 1990)

The Contractor shall be responsible for complying with all applicable laws, regulations, standards and requirements, including traffic and vehicular laws and regulations, prescribed by the Republic of Panama for contractors performing work for the Panama Canal Commission (hereinafter referred to as the Commission). The Contractor shall similarly be responsible for complying with all laws, Executive Orders, and United States Government rules and regulations which the Commission, as an agency of the United States Government performing work in the Republic of Panama, is required to follow. The areas of legal competence have been agreed to between both countries pursuant to and in accordance with the Panama Canal Treaty of 1977, including such executive agreements and implementing legislation as may be in effect. Failure of the Contractor to familiarize himself with all laws, orders, rules, regulations or standards promulgated by either country, which are or may become applicable to the work under this contract, shall not constitute a basis for adjustments under the contract.

(End of clause)

3552.227-70 Government Rights.

As prescribed in 3527.304-3(b), insert the following clause:

Government Rights (Jan 1990)

The Contractor may retain the entire right, title, and interest, throughout the world, to all drawings, designs, specifications, notes, and other works developed in the performance of this contract, provided that the Government shall have a nonexclusive, nontransferable, irrevocable, paid-up license to have and to use same on any other Government design or construction, and provided that the Contractor shall execute or have executed, upon request, and shall promptly deliver to the Federal agency, all instruments necessary to establish or to confirm said license.

(End of clause)

3552.228-70 Bid Guarantee Amount.

As prescribed in 3528.101-3(a), insert the following clause:

Bid Guarantee Amount (Jan 1990)

(a) The amount of the bid guarantee required by clause 52.228-1, Bid Guarantee, shall be 20 percent of the total amount of the bid, excluding options and additives if any, or $3,000,000, whichever is less.

(b) If the bidder elects to furnish the guarantee in the form of a bid bond, the bond shall be submitted on Standard Form 24. Corporations executing the bond as sureties must be among those appearing on the current U.S. Treasury Department Circular 570, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", and must be acting within the limitations set forth therein. If the contract work is to be performed in Panama, corporations that appear on the Panama Canal Commission's list of locally acceptable sureties, and that act within the limitations set forth therein, may be used in lieu of those appearing on Circular 570.

(End of clause)

3552.228-71 Bonds and Insurance.

As prescribed in 3528.102-3, insert the following clause:

Bonds and Insurance (Jan 1990)

The bidder who is awarded the contract shall be required to furnish performance and payment bonds, certificates of Workman's Compensation, if required, and public liability and automobile insurance as stipulated in the General Conditions. The payment by the Commission of the bond premiums to the Contractor shall not be made as increments of the individual progress payments and shall not be in addition to the contract price.

(End of clause)

3552.228-72 Bonds.

As prescribed in 3528.102-3, insert the following clause:

Bonds (Jan 1990)

(a) Corporations executing the bond as sureties must be among those appearing either on the Panama Canal Commission's list of locally acceptable sureties or on the U.S. Treasury Department's Circular 570, and must be acting within the limitations set forth therein.

(b) *Payment Bond:* If the contract exceeds $2,000, the Contractor shall furnish a payment bond with good and sufficient surety or sureties acceptable to the Commission for the protection of persons furnishing material or labor in connection with the performance of the work under this contract on Standard Form 25-A. The penal sum of such payment bond shall be as follows: (1) When the contract price is $1,000,000 or less, 50 percent of the contract price; (2) when the contract price is in excess of $1,000,000, but no more than $5,000,000, 40 percent of the contract price; (3) or $2,500,000 when the contract price is more than $5,000,000.

(c) *Performance Bond:* If the contract exceeds $2,000, the Contractor shall furnish a performance bond with good and sufficient surety or sureties acceptable to the Commission in connection with the performance of the work under this agreement on Standard Form 25. The penal sum of such performance bond shall be 100 percent of the contract price.

(d) The bonds herein shall not be dated prior to the date of the contract and shall be furnished by the Contractor to the Commission not later than 10 calendar days after award.

(End of clause)

3552.228-73 Non-U.S. Workers' Compensation Insurance.

As prescribed in 3528.309(a), insert the following clause:

Non-U.S. Workers' Compensation Insurance (Jan 1990)

(a) Pursuant to a waiver granted by the Secretary of Labor, the provisions of the Defense Base Act (see clause 52.228-3) are not applicable to any public-work contract awarded by the Panama Canal Commission in the Panama Canal area with respect to non-U.S. citizen employees of Commission contractors. The waiver does not apply, however, to such employees who are:

(1) Hired in the United States by any contractor; or

(2) Residents of the United States.

(b) The waiver was granted with the proviso that non-U.S. citizen employees exempted from the provisions of the Defense Base Act by virtue of the waiver will be provided workers' compensation benefits prescribed in the Panamanian Social Security System. Accordingly, the Contractor shall provide workmen's insurance coverage (Seguros de Riesgos Profesionales) as provided by the Panamanian Social Security System in accordance with Cabinet Decree No. 68 of March 31, 1970, for all non-U.S. citizen employees that are not covered by clause 52.228-3 of this contract. The Seguro de Riesgos Profesionales coverage shall be provided before the Contractor commences performance and shall be maintained until performance is completed.

(End of clause)

3552.228-74 Special Panama Insurance.

As prescribed in 3528.370, insert the following clause:

Special Panama Insurance (Jan 1990)

(a) "Designated contractors" shall, upon initiation of work or construction activities, obtain appropriate insurance to cover civil liabilities in the Republic of Panama that may arise as a result of acts or omissions done in the performance of official duty by their employees. The insurance coverage shall include coverage for the tortious conduct of their employees. Such insurance may be obtained from insurance companies licensed to engage in such business within the Republic of Panama.

(b) The Contractor shall include this clause in all subcontracts.

(End of clause)

3552.228–75 Proposal Guarantee.

As prescribed in 3528.101–3 (a) and (b), insert the following clause:

Proposal Guarantee (Jan 1990)

(a) Failure to furnish a guarantee in the proper form and amount, by the time set for the receipt of offers, may be cause for rejection of the proposal.

(b) The offeror shall furnish a guarantee in the form of a firm commitment, such as a bid bond, postal money order, certified check, cashier's check, irrevocable letter of credit, or, under Treasury Department regulations, certain bonds or notes of the United States. The amount of this guarantee shall be 20 percent of the total amount of the proposal price, excluding options and additives if any, or $3,000,000, whichever is less. The Contracting Officer will return guarantees, other than bid bonds, (1) to unsuccessful offerors as soon as practicable after the completion of the evaluation process, and (2) to the successful offeror upon execution of contractual documents and bonds (including any necessary coinsurance or reinsurance agreements), as required by the proposal as accepted.

(c) If the successful offeror, upon acceptance of its bid by the Government within the period specified for acceptance, fails to execute all contractual documents or give a bond(s) as required by the solicitation within the time specified, the Contracting Officer may terminate the contract for default.

(d) Unless otherwise specified in the proposal, the offeror will (1) allow 60 days for acceptance of its proposal, and (2) give bond within 10 days after receipt of the forms by the offeror.

(e) In the event the contract is terminated for default, the Contractor is liable for any cost of acquiring the work that exceeds the amount of its proposal, and the proposal guarantee is available to offset the difference.

(f) Regarding paragraph (b) of this clause, if a bid bond is furnished, it must be submitted on Standard Form 24. Corporations executing the bond as sureties must be among those appearing on the U.S. Treasury Department's Circular 570, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", and must be acting within the limitations set forth therein. If the contract work is to be performed in Panama, corporations that appear on the Panama Canal Commission's list of locally acceptable sureties, and that act within the limitations set forth therein, may be used in lieu of those appearing on Circular 570.

(End of Clause)

3552.228–76 Performance Bond.

As prescribed in 3528.103–70(a), insert the following clause:

Performance Bond (Jan 1990)

(a) The Contractor shall furnish a performance bond with good and sufficient surety or sureties in connection with the work under this contract on Standard Form 25, which requires that the surety or sureties must be among those appearing on the current U.S. Treasury Department Circular 570 (published in the **Federal Register**), and any amendments thereto, and must be acting within the limitations set forth therein. If the contract work is to be performed in Panama, corporations that appear on the Panama Canal Commission's list of locally acceptable sureties, and that act within the limitations set forth therein, may be used in lieu of those appearing on Circular 570. The bond is to be completed in accordance with the instructions on the reverse side of Standard Form 25.

(b) The penal sum of such performance bond shall be 100 percent of the contract price. The bond must not be dated prior to the date of the contract and shall be furnished by the Contractor to the Contracting Officer not later than 30 calendar days after the date of receipt by the Contractor of notice of award of the contract. As used in Standard Form 25, the term "Government" shall mean the "Panama Canal Commission".

(c) Under the terms of Standard Form 25 and this contract, the penal obligation specified in paragraph (b) of this clause shall be in effect during the life of the contract and during all warranty periods stipulated in the contract.

(End of Clause)

3552.228–77 Performance and Payment Bonds.

As prescribed in 3528.103–70 (a) and (b), insert the following clause:

Performance and Payment Bonds (Jan 1990)

(a) *General.*

(1) The bonds required by paragraphs (b) and (c) of this clause are to be completed in accordance with the instructions on the reverse side of the respective bond forms. Corporations executing the bonds as sureties must be among those appearing on the current U.S. Treasury Department Circular 570 (published in the **Federal Register**), and any amendments thereto, and must be acting within the limitations set forth therein. If the contract work is to be performed in Panama, corporations that appear on the Panama Canal Commission's list of locally acceptable sureties, and that act within the limitations set forth therein, may be used in lieu of those appearing on Circular 570.

(2) The bonds must not be dated prior to the date of the contract and shall be furnished by the Contractor to the Contracting Officer not later than 30 calendar days after the date of receipt by the Contractor of notice of award of the contract.

(b) *Performance Bond.*

The Contractor shall furnish a performance bond on Standard Form 25 in connection with the performance of the work under this contract. The penal sum of such bond shall be 100 percent of the contract price.

(c) *Payment Bond.*

The Contractor shall furnish a payment bond on Standard Form 1416 for the protection of persons furnishing material and/or labor in the prosecution of the contract. The penal sum of such bond shall be as follows: (1) 50 percent of the contract price if such price is not more than $1,000,000; (2) 40 percent of the contract price if such price is more than $1,000,000 but not more than $5,000,000; or (3) $2,500,000 if the contract price is more than $5,000,000.

(End of Clause)

3552.231–70 Travel Costs.

As prescribed in 3531.205–46(b), insert the following clause:

Travel Costs (Jan 1990)

Costs incurred by the Contractor for travel and per diem in the performance of this contract that are authorized elsewhere in this contract shall be reimbursed to the Contractor in accordance with the Federal Travel Regulations, prescribed by the General Services Administration, in effect on the dates of performance of this contract.

(End of clause)

3552.232–70 Contract Payments.

As prescribed in 3532.111(a)7, insert the following clause:

Contract Payments (Jan 1990)

(a) Contract payments, unless otherwise specified, will be made in United States currency, by check drawn on a local branch of a United States bank.

(b) When the Contracting Officer determines that the value of materials delivered to the work site may be taken into account in preparing the progress payment estimate, the Contractor shall:

(1) Compile the initial inventory list which shall be complete as regards to descriptions, quantities, nomenclatures, and prices, and shall be fully supported by certified invoices or other documentary evidence acceptable to the Contracting Officer. The list must be revised each month to show additions to the inventory, if any (supported by additional invoices), and deletions of material used during the month.

(2) Submit monthly, subsequent lists for the material previously covered by certified invoices showing the exact status of remaining material based on a physical inventory.

(3) Furnish inventory lists in duplicate at least five days prior to the date for submission of progress estimate for monthly payment.

(c) In approving payments for material inventories, the Contracting Officer will authorize payment of 75 percent of the cost of

material as part of the monthly payments, provided, however, that:

(1) Any line item with a total value of less than $100 will be deleted; and

(2) The total value of the inventory, exclusive of deleted line items, exceeds $1,000.

(End of clause)

3552.232-71 Availability of Funds.

As prescribed in 3532.705-1, insert the following clause:

Availability of Funds (Jan 1990)

The authorization of performance of work under this contract during the initial contract period and any extension period(s) is contingent upon the availability of funds to procure this service. If the contract is awarded or extended, the Panama Canal Commission's obligation beyond the end of the fiscal year (September 30) in which the award or extension is made is contingent upon the availability of funds from which payment for the contract services can be made. No legal liability on the part of the Panama Canal Commission for payment of any money beyond the end of each fiscal year (September 30) shall arise unless or until funds are made available to the Contracting Officer for performance and written notice of such availability is given to the Contractor.

(End of clause)

3552.232-72 Presentation of Statement of Release From Claims.

As prescribed in 3532.806(a), insert the following clause:

Presentation of Statement of Release From Claims (Jan 1990)

As a condition for final payment, the Contractor shall present a release of all claims against the Government arising by virtue of this contract. The release shall be applicable to all claims except those that the Contractor has specifically excepted in stated amounts from the operation of the release. A release may also be required of the assignee if the Contractor's claim to amounts payable under this contract has been assigned under the Assignment of Claims Act of 1940 (31 U.S.C. 203 and 41 U.S.C. 15). The release is due within 14 days of final acceptance.

(End of clause)

3552.232-73 Invoices.

As prescribed in 3532.111(a)(8), insert a clause substantially as follows:

Invoices (Jan 1990)

(a) Invoices shall be submitted in an original and two copies to the office designated elsewhere in this contract.

(b) To constitute a proper invoice for supply or service (other than architect-engineer service) contracts, the invoice must include the items listed in paragraph (a)(4), subdivisions (i) through (viii) of clause 52.232-25, Prompt Payment. The invoice must be accompanied by a copy of the packing list showing weights and measurements (gross and net) and contents of each package, if applicable. If items are mailed, the insurance parcel post receipt or copy thereof must accompany the invoice.

(c) To constitute a proper invoice for construction contracts, the invoice must include the items listed in paragraph (a)(2), subdivisions (i) through (ix) of clause 52.232-27, Prompt Payment for Construction Contracts.

(d) To constitute a proper invoice for architect-engineer services, the invoice must include the items listed in paragraph (a)(3), subdivisions (i) through (viii) of clause 52.232-26, Prompt Payment for Fixed-Price Architect-Engineer Contracts.

(e) If this contract requires a written release from the Contractor with respect to claims, the release must accompany the invoice.

(End of clause)

3552.236-70 Mailing of Correspondence and Bids.

As prescribed in 3536.371(a)(6), insert the following provision:

Mailing of Correspondence and Bids (Jan 1990)

(a) Prospective bidders may submit inquiries concerning the specifications by writing the following:

(For local bidders)
Specifications and Estimates Branch
Engineering Division
Engineering and Construction Bureau
Balboa, Republic of Panama

(For other bidders)
Specifications and Estimates Branch
Engineering Division
Engineering and Construction Bureau
APO Miami 34011-5000

(b) Bids to be mailed shall be addressed as follows:

(For local bidders)
Contracting Officer
Engineering and Construction Bureau
Panama Canal Commission
Balboa, Republic of Panama

(For other bidders)
Contracting Officer
Engineering and Construction Bureau
Panama Canal Commission
APO Miami 34011-5000

(End of provision)

3552.236-71 Additive Items.

As prescribed in 3536.371(a)(7), insert the following provision:

Additive Items (Jan 1990)

(a) The low bidder for purposes of award shall be the conforming responsive bidder offering the lowest total price for the base bid item plus the largest number of additive bid items that can be awarded in the numerical order of priority listed in the schedule within the funds determined by the Contracting Officer to be available on the date of bid opening.

(b) For example, when the amount of available funds is $100,000, and a bidder's base bid and bid for successive additives are $85,000, $10,000, $8,000, $6,000, and $4,000, respectively, the total amount of this bid for purposes of award would be $95,000 for the base bid plus the first additive, with the second, third and forth additives being omitted because the second additive ($8,000) would cause the total bid to exceed $100,000. If, for more than one bidder, the lowest total price for the base bid item plus the largest number of additive bid items that can be awarded are equal, then the low bidder for purposes of award shall be the one submitting the lowest price for the base bid item.

(c) After the low bidder has been determined, the Contracting Officer shall be free to award the contract for the base bid item and any quantity of the additive bid items, but only in the numerical order of priority listed in the schedule, and provided that the total price is within the amount of funds available on the date of award and that the award does not exceed the price offered by any other conforming responsive bidder for the same bid items.

(d) The Contracting Officer may reject a bid as nonresponsive if it is materially unbalanced as to prices for any of the different bid items. A bid is unbalanced when it is based on prices significantly less than cost for some work and prices which are significantly overstated for other work.

(End of provision)

Alternate I (Jan 1990).

If the additives may be awarded with the base bid item in any combination, substitute the following text in place of the basic text:

(a) The low bidder for purposes of award shall be the conforming responsive bidder offering the lowest total price for the base bid item plus, in the numerical order of priority listed in the schedule, the largest number of additive bid items that can be awarded within the funds determined by the Contracting Officer to be available on the date of bid opening.

(b) If, for all bidders, inclusion of the next additive bid item in the listed order of priority would make the award exceed such available funds, it shall be omitted and the next subsequent additive bid item or items shall be included if the prices on one or more bids allow award thereon within the funds available. For example, when the amount of available funds is $100,000, and a bidder's base bid and bid for successive additives are $85,000, $10,000, $8,000, $6,000, and $4,000, respectively, the total amount of this bid item for purposes of award would be $99,000 for the base bid plus the first ($10,000) and fourth ($4,000) additives. All bids shall be evaluated and the low bidder determined on the basis of the same additive bid items, as above provided. If, for more than one bidder, the lowest total price for the base bid item plus the largest number of additive bid items that can be awarded are equal, then the low bidder for purposes of award shall be the one submitting the lowest price for the base bid item.

(c) After the low bidder has been determined, the Contracting Officer shall be free to award the contract for the base bid item and any quantity and combination of the additive bid items regardless of their numerical order of priority listed in the schedule, provided that the total price is

within the amount of funds available on the date of award and that the award does not exceed the price offered by any other conforming responsive bidder for the same bid items.

(d) The Contracting Officer may reject a bid as nonresponsive if it is materially unbalanced as to prices for any of the different bid items. A bid is unbalanced when it is based on prices significantly less than cost for some work and prices which are significantly overstated for other work.

3552.236–72 Cost Limitation.

As prescribed in 3536.371(a)(9), insert the following provision:

Cost Limitation (Jan 1990)

A bid which does not contain separate bid prices for the items identified as subject to a cost limitation may be considered nonresponsive. By signing its bid, the bidder certifies that each price bid on items subject to a cost limitation includes an appropriate apportionment of all applicable estimated costs, direct and indirect, as well as overhead and profit. Bids may be rejected which (1) have been materially unbalanced for the purpose of bringing affected items within cost limitations, or (2) exceed the cost limitations unless such limitations have been waived by the Commission's Procurement Executive prior to award.

(End of provision)

3552.236–73 Scope of Work.

As prescribed in 3536.570(k), insert the following clause:

Scope of Work (Jan 1990)

The Contractor shall furnish all plant, materials, equipment, supplies, labor and transportation, including, fuel, power, water (except any materials, equipment, utility or service, if any, specified herein to be furnished by the Commission), as required to accomplish all work under the contract, in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof, and including such detail drawings as may be furnished by the Contracting Officer from time to time during the prosecution of the work in explanation of said drawings.

(End of clause)

3552.236–74 Work Sites, Yards, Shops, and Offices.

As prescribed in 3536.570(l), insert the following clause:

Work Sites, Yards, Shows, and Offices (Jan 1990)

(a) The term "work site" will embrace all areas wherein operations are conducted by the Contractor in connection with the contract, including Commission work areas, plant, shops, yards, offices, camps and other facilities. The Contractor may be permitted to use areas within the Canal Operating Area for storage-of-work purposes on a temporary basis.

(b) Prior to commencement of work, the Contractor shall, upon request, submit for the approval of the Contracting Officer, prints in quadruplicate, showing the locations of its major plant, offices, buildings, shops, storage yards, and other construction appurtenances which it proposes to construct. The Contractor shall remove any structure which it may construct in Canal Operating Areas, and restore the work site to its original condition after completion of the work.

(c) If, at any time during the progress of the work, areas which have been allocated to the Contractor are not being used by the Contractor or are not essential to the future execution of the work, as determined by the Contracting Officer, the Contractor shall, when so directed, promptly clean up and vacate such areas at no expense to the Commission. The Contractor shall keep the buildings and grounds in use by the contractor at the work site in an orderly and sanitary condition, subject to the approval of the Contracting Officer.

(d) Only equipment and materials required or used in connection with the work under the contract may be stored in Canal Operating Areas. Upon completion of the contract, and before final payment is made, the Contractor shall remove all equipment and materials from such areas.

(End of clause)

3552.236–75 Work Time Limitations.

As prescribed in 3536.570(m), insert the following clause:

Work Time Limitations (Jan 1990)

No work shall be done on Sundays or on days treated as a holiday for employees of United States Government agencies in the Republic of Panama, unless authorized or directed by the Contracting Officer. Requests by the Contractor to work on such days must be made in writing at least three days in advance.

(End of clause)

3552.236–76 Accident Prevention.

As prescribed in 3536.570(n), insert the following clause:

Accident Prevention (Jan 1990)

(a) In performing this contract, the Contractor shall provide for protecting the lives and health of employees and other persons; preventing damage to property, materials, supplies and equipment; and avoiding work interruptions. For these purposes, the Contractor shall—

(1) Provide appropriate safety barricades, signs, and signal lights;

(2) Comply with the standards issued by the Secretary of Labor at 29 CFR part 1926 and 29 CFR part 1910; and

(3) Ensure that any additional measures the Contracting Officer determines to be reasonably necessary for this purpose are taken.

(b) The Contractor shall comply with all pertinent provisions of the U.S. Army Corps of Engineers Safety and Health Requirements Manual, EM 385–1–1, dated April 1981.

(c) The Contractor shall maintain an accurate record of exposure data on all accidents incident to work performed under this contract resulting in death, traumatic injury, occupational disease, or damage to property, materials, supplies, or equipment. The Contractor shall report this data in the manner prescribed by the Contracting Officer.

(d) The Contracting Officer shall notify the Contractor of any noncompliance with these requirements and of the corrective action required. This notice, when delivered to the Contractor or the Contractor's representative at the site of the work, shall be deemed sufficient notice of the noncompliance and corrective action required. After receiving the notice, the Contractor shall immediately take corrective action. If the Contractor fails or refuses to take corrective action promptly, the Contracting Officer may issue an order stopping all or part of the work until satisfactory corrective action has been taken. The Contractor shall not base any claim or request for equitable adjustment for additional time or money on any stop order issued under these circumstances.

(e) The Contractor shall call to the attention of the Contracting Officer or his representative any unsafe condition which is not within the power of the Contractor to correct but which could be corrected by others.

(f) The Contractor shall, when performing work of an electrical nature, or when working in close proximity to electrical equipment or circuits, observe the following:

(1) Be responsible for determining that the facility on which his men are to work is de-energized, isolated, and identified with accepted tag out/lock out procedures. The Commission will de-energize or isolate the cable, conductor, bus, circuit breaker, or line on which the Contractor desires to work. The Commission will also re-energize the cable, conductor, bus, circuit breaker, or line upon which the Contractor has completed work and which he certifies is ready for service.

(2) When performing work, such as painting, roofing or modifying buildings, in close proximity to electric wires, work shall be scheduled in such a manner that these wires shall be de-energized during the period men are working around them. Arrangements shall be made with the Contracting Officer's representative for de-energizing such service wires and, unless otherwise specified, work requests shall be furnished by the Contractor to the Commission's Electrical Division to cover such work.

(3) Painting, alterations, and additions to Commission facilities frequently require work to be performed in close proximity to electrical equipment and circuits within buildings. When such work, in the opinion of the Contracting Officer, requires the de-energization of circuits, arrangement for de-energizing services will be made by the Contracting Officer with the agency involved.

(4) De-energization of circuits required in (2) and (3) above shall be scheduled in such a manner that prolonged service interruptions shall be avoided.

(g) In addition to the above, the Contractor shall:

(1) Submit, within 30 calendar days after date of award, a written outline of his proposed safety program for the contract. The safety program shall include frequent and appropriate safety training sessions for

employees as a regular and integral part of the contract activities.

(2) Submit for approval a list of the personal protective equipment, by type and manufacturer, to be used by employees in hazardous occupations.

(3) Confer with representatives of the Contracting Officer to discuss and develop mutual understandings relative to administration of the overall safety program.

(h) The Contractor shall be responsible for its subcontractors' compliance with this clause.

(End of clause)

3552.236-77 Working in Confined Spaces.

As prescribed in 3536.570(o), insert the following clause:

Working in Confined Spaces (Jan 1990)

The Contractor shall comply with the Commission's policy regarding work to be performed in confined or enclosed spaces. This policy is set forth in a pamphlet entitled "Panama Canal Commission Confined Spaces Policy", which will be made available to the Contractor, or a prospective contractor, upon request to the Contracting Officer or his representative.

(End of Clause)

3552.236-78 Safety Sign.

As prescribed in 3536.570(p), insert the following clause:

Safety Sign (Jan 1990)

The Contractor shall construct a safety sign at the work site at a location directed by the Contracting Officer. The sign shall be 6 feet by 4 feet in size and shall conform to the requirements of the sketch attached at the end of these General Conditions. The sign shall be erected as soon as possible, but not later than 10 days after work is initiated at the work site. No separate payment will be made for erecting and maintaining the safety sign.

(End of clause)

3552.236-79 Protection of Material and Work.

As prescribed in 3536.570(q), insert the following clause:

Protection of Material and Work (Jan 1990)

The Contractor shall protect and preserve all material, supplies and equipment of every description (including property which may be furnished or owned by the Commission) and all work performed. All reasonable requests of the Contracting Officer to enclose or specially protect such property shall be complied with. If, as determined by the Contracting Officer, material, equipment, supplies, and work performed are not adequately protected by the Contractor, such property may be protected by the Commission, and the cost thereof may be charged to the Contractor or deducted from any payments due the Contractor.

(End of clause)

3552.236-80 Toilet Facilities.

As prescribed in 3536.570(r), insert the following clause:

Toilet Facilities (Jan 1990)

Unless otherwise noted, the Contractor shall provide and maintain adequate toilet facilities at the work site for the use of all personnel engaged in the work under the contract. The number, types and locations of such toilet facilities shall be approved by the Contracting Officer. These facilities, where connection to the sanitary sewer system is possible, will be connected and disconnected to the sewer system by the Commission at the expense of the Contractor. The toilet facilities shall be maintained by the Contractor in a clean and sanitary condition. Upon completion of the work, all toilet facilities shall be removed by the Contractor.

(End of clause)

3552.236-81 Drinking Water.

As prescribed in 3536.570(s), insert the following clause:

Drinking Water (Jan 1990)

Unless otherwise noted, the Contractor shall provide suitable drinking water and sanitary dispensing facilities for the Contractor's employees.

(End of clause)

3552.236-82 Contract Bid Breakdown.

As prescribed in 3536.570(t), insert the following clause:

Contract Bid Breakdown (Jan 1990)

The Contractor shall, within 10 days after receipt of the Notice to Proceed, or on receipt of request, submit for approval a breakdown of its bid in a form to be outlined by the Contracting Officer. Supplementary bid breakdowns of all or part of the bid shall be furnished if requested by the Contracting Officer. Payments to the Contractor shall be based upon the information presented in the approved bid breakdown.

(End of clause)

3552.236-83 Descriptive Data and Correspondence.

As prescribed in 3536.570(u), insert the following clause:

Descriptive Data and Correspondence (Jan 1990)

(a) All catalogs, operating instructions, descriptive literature, references, specifications, drawings and notes relevant to the equipment furnished under the specifications, and correspondence shall be in the English language. All drawings shall be prepared in accordance with American Standard Drafting Room Practice as approved by the American National Standard Institute (ANSI) standards and in accordance with the following:

(1) All dimensions shall be given in feet and inches.

(2) All weights shall be avoirdupois scales.

(3) All volume measurements shall be in cubic feet, cubic inches or U.S. gallons (231 cu. in/gal).

(4) All heat quantities shall be in British thermal units (Btu's).

(5) All instruments shall read in units of the English system, except gallons shall be U.S. gallons as noted in paragraph (a)(3) of this clause.

(b) When required by the various sections of these specifications or when requested by the Contracting Officer, seven (7) copies (unless otherwise specified) of the following items shall be submitted by the Contractor to the Contracting Officer for approval.

(1) *Material Lists:* Before any materials, fixtures or equipment are purchased, the Contractor shall submit a complete list of materials, fixtures and equipment to be incorporated in the work, together with the names and addresses of the manufacturers and their catalog numbers and trade names. A separate complete list shall be furnished for the equipment called for under each section of the specifications. No consideration will be given to partial lists submitted from time to time.

(2) *Descriptive Data:* In order to establish quality or suitability of materials, fixtures and equipment, the Contractor shall furnish detailed information and descriptive data for the various items. Approval of items will be based on manufacturer's published ratings. Any items which are not in accordance with the specifications will be rejected. The product of any reputable manufacturer regularly engaged in the commercial production of specified equipment will not be excluded on the basis of minor differences, provided all essential requirements of this specification relative to materials, capacity, and performance are met.

(3) *Samples:* (i) The Contractor shall submit all samples within a reasonable time before use to permit inspection and testing. Samples of materials subject to laboratory tests require, generally, a minimum of 20 days for tests after receipt of sample by the Contracting Officer. However, considerably more time may be required depending on the nature of the tests and the ability of the laboratory to take care of current testing requirements.

(ii) Samples of the sizes and numbers required by the Contracting Officer or specified in the contract shall be submitted (except when this requirement is waived by the Contracting Officer) with label on each, giving contract number, specification paragraph, name and materials, trade name, name of manufacturer, place of origin, name and location of building on which to be used, and name of Contractor submitting same.

(iii) Samples shall be so packed as to ensure delivery at destination in good condition and with all transportation charges prepaid by sender.

(iv) Samples of materials not subject to destructive tests, when approved, will be kept on file in the office of the Contracting Officer until the completion of the work, except samples of hardware or other items approved by the Contracting Officer, which may be suitably marked for identification and installed in the work. If the Contractor desires an approved sample for the Contractor's own file or for a manufacturer, the Contractor shall submit sufficient additional samples to permit the desired distribution. Samples approved or rejected will be returned to the Contractor only at the Contractor's request and expense.

(v) Samples selected will be tested in accordance with the requirements of the applicable material specifications. If a sample fails to meet specification requirements, the cost of testing shall be at the expense of the Contractor. Failure of samples to pass specified requirements will be sufficient cause for refusal to consider for this work any further samples from the manufacturer whose materials have failed to pass the required tests.

(c) *Submittals:* Each submittal shall be accompanied by the required number of Panama Canal Form 3062, Submittal Data For Approval, fully executed and certified by the Contractor. When possible, a single transmittal shall be used for all work of a section of the specifications, but in no instance shall a transmittal include work of more than one section. Each copy of each item submitted for approval shall also be properly identified as to the subject matter indicated thereon, the item of equipment or material to which it pertains, and the contract number under which it is submitted. Each point of difference between the proposed equipment or material and the specified equipment or material shall be clearly indicated on the submittal. The submittals shall be complete and shall be checked by both the materials or equipment supplier and the Contractor, and shall contain all required and necessary detailed information. Fabrication of the equipment and construction where involved shall not start until the submittals have been approved.

(d) If approved by the Contracting Officer, each copy of the submittal will be identified as having received such approval by being stamped either "Approved" or "Approved as Noted", and one set will be returned to the Contractor. Such approved submittals need not be resubmitted. If, however, the set returned to the Contractor is stamped "Disapproved", such submittal shall be resubmitted as expeditiously as possible. If the Contractor desires to have more than one copy returned for the Contractor's use, the Contractor must increase the number of copies submitted accordingly and must so indicate on the transmittal form.

(e) The approval of submittals by the Contracting Officer shall not be construed as a complete check, but will indicate only that, in general, the materials, equipment, system, arrangement, detailing and method of construction are satisfactory. Approval will not relieve the Contractor of the responsibility for any error or omission which may exist, and the Contractor shall be responsible for the dimensions and design of adequate connections, details, satisfactory construction, installation and operation of all work in accordance with the contract provisions. Approval shall be subject to final, in-place inspection of the work.

(End of clause)

3552.236-84 Instruction Books.

As prescribed in 3536.570(u), insert the following clause:

Instruction Books (Jan 1990)

The Contractor shall deliver to the Contracting Officer nine (9) copies (unless otherwise specified) of all instruction books as called for under the various sections of the Technical Conditions. The instruction books shall be submitted and approved before work can be started on installation of the equipment to which they pertain. Each copy of the instruction books shall provide legible, complete and clear instructions, descriptions and data for installation, operation, maintenance and repair of the equipment as well as replacement parts lists. Each copy of an instruction book shall be bound in separate durable covers. Method of binding shall be post type or equivalent to permit insertion of replacement pages. Ring or spiral type loose leaf binders are not acceptable. Each copy shall be properly and indelibly identified with the name of the project, the contract number, and the name and location of the equipment to which it pertains.

(End of clause)

3552.236-85 Record Drawings.

As prescribed in 3536.570(u), insert the following clause:

Record Drawings (Jan 1990)

The Contractor shall, during the progress of the work, keep a careful and current record, on a separate set of contract drawings, of all changes and corrections from the layouts shown on the drawings. These drawings shall be available for inspection at all times at the work site indicated by the drawings. If the Contracting Officer determines that the record drawings are seriously out of date, the Contracting Officer may require the Contractor to cease physical work on the portion of the work covered by the drawings until the drawings are brought up to date. Any costs of delays resulting from such actions by the Contracting Officer shall be borne by the Contractor. Upon completion, the Contractor shall revise one set of prints of contract drawings, furnished by the Contracting Officer, showing the work as actually constructed. These drawings shall be delivered to the Contracting Officer within 14 calendar days after receipt of the "Acceptance of Work" letter. All revisions made to the contract drawings shall be shown so that they stand out against the unchanged items in the drawing.

(End of clause)

3552.236-86 Restricted Areas.

As prescribed in 3536.570(v), insert the following clause:

Restricted Areas (Jan 1990)

(a) If any of the work is located within a restricted area (such as locks areas, power stations, water purification plants, pump stations, and industrial areas), installation clearances, at no cost to the Contractor, will be required for all employees who must work in the restricted area. The Contractor shall submit to the Contracting Officer a listing of all employees to be cleared. The listing should be submitted at least 15 days before the anticipated starting date and should include the full name and cedula or identification card number of each employee and must be in alphabetical order.

(b) Employees of the Contractor must carry their cedulas or identification cards at all times and produce them upon request of authorized personnel. The Contractor shall ensure that the Contractor's employees remain in the immediate area of work and do not wander indiscriminately about the restricted areas.

(End of clause)

3552.236-87 Surplus Space.

As prescribed in 3536.570(y), insert the following clause:

Surplus Space (Jan 1990)

Surplus space in Commission buildings, facilities, or land areas may be rented by Commission contractors, or by subcontractors through and in the name of a Commission contractor, for use in support of contract performance upon a written request by the Contractor to the Contracting Officer. The request shall include specific information regarding the location desired, the number of square feet required, and the type of activities to be conducted. If the request is accepted, the space assignment will be administered under the terms of a "Letter of Authorization" (LOA). Failure by the Contractor to comply with any of the terms of the LOA, or to completely remove itself from the rented space after the Contracting Officer has advised the Contractor that the LOA is terminated, shall be construed as a violation of this contract clause and shall entitle the Contracting Officer to take whatever action is appropriate under the contract, including termination for default and the withholding of final payment.

(End of clause)

3552.243-70 Modification Proposals—Price Breakdown.

As prescribed in 3543.205 insert the following clause:

Modification Proposals—Price Breakdown (Jan 1990)

The Contractor shall furnish an itemized price breakdown, as required by the Contracting Officer, with the Contractor's proposal in connection with a contract modification. Unless otherwise directed, the breakdown shall be in sufficient detail to permit an analysis of all material, labor, equipment, subcontract and overhead costs as well as profit, and shall cover all work involved to accomplish the modification, whether deleted, added or changed. Any amount claimed for subcontracts shall be supported by a similar price breakdown. In addition, if the proposal includes a time extension, a justification therefore shall also be furnished. The proposal, together with the price breakdown and time extension justification, shall be furnished by such date as may be specified by the Contracting Officer.

(End of clause)

3552.244-70 Subcontractors.

As prescribed in 3536.570(x), insert the following clause:

Subcontractors (Jan 1990)

If subcontracts have been awarded for work under this contract, the Contractor shall submit to the Contracting Officer, within 30 calendar days after the date of award, a statement on the Commission's standard "Subcontractors" form setting forth the name and address of the subcontractor, a summary description of the work subcontracted and a description of subcontractor's previous experience in related work. If, at any time, the Contracting Officer determines that any subcontractor's performance is unsatisfactory, the Contracting Officer will notify the contractor accordingly, and steps will be taken immediately for cancellation of such subcontract. Subletting by subcontractors shall be subject to the same regulations. Nothing contained in this contract shall create any contractual relation between the subcontractor and the Commission. Subcontractors and their employees shall be considered to be employees of the Contractor.

(End of clause)

3552.247-70 Evaluation of Delivery Terms in Contract Awards.

As prescribed in 3547.370, insert the following provision:

Evaluation of Delivery Terms in Contract Awards (Jan 1990)

(a) When competing offers are received which specify the two different allowable terms of delivery, the offers will be evaluated at the actual or constructive landed cost in the Republic of Panama in accordance with the procedures stated below. In this connection, and for evaluation purposes only, the point of delivery will be the Port of Balboa, Panama or the Port of Cristobal, Panama for all offerors. Therefore, offerors quoting on an f.o.b. destination New Orleans basis shall furnish the total cubic measurement for each item being offered in order to apply the following procedures:

(1) *F.o.b. Destination New Orleans:* Offers quoting delivery in the United States are required on an f.o.b. destination New Orleans, Louisiana basis since transportation from New Orleans will be by a vessel, operating pursuant to a U.S. Government contract, which will discharge at the Port of Balboa. In order to compare these offers with offers quoting c.i.f. destination Panama, the following factors will be applied:

(i) Ocean freight, New Orleans to Balboa $_____ *(Contracting Officer insert appropriate amount)* per measurement ton of 40 cubic feet (MTON). This rate includes stevedoring and handling fees.

(ii) A self-insured loss factor of one percent of the dollar value of the offer price.

(iii) If the delivery port specified in the Commission solicitation is Cristobal, transportation from Balboa to Cristobal will be calculated at the rate of $_____ *(Contracting Officer insert appropriate amount)* per MTON.

(2) *C.i.f. Destination Panama:* Foreign offerors proposing to ship from foreign countries, U.S. offerors preferring to ship directly to Panama, and Panamanian offerors proposing to ship from stock within the Republic of Panama, are required to ship on a c.i.f. Balboa, Panama or Cristobal, Panama basis, as applicable.

(b) Failure to furnish the total cubic measurements of the individual items could result in the rejection of the offer. Moreover, if actual total cubic measurements vary from the information furnished and the award was made to the Contractor on the constructive cost based on the erroneous information, the Contractor will be charged for the difference between the actual cost and the price of the next low responsive offeror.

(End of provision)

PART 3553—FORMS

Sec.

Authority: 40 U.S.C. 486(c).

3553.000 Scope of part.

This part prescribes Panama Canal Commission forms to be used in various acquisitions and other information pertaining to the forms.

Subpart 3553.1—General

3553.107 Obtaining forms.

Commission forms may be obtained from the cognizant Commission contracting office or by written request as indicated below:

(a) For all forms prescribed at 3553.213, write to: Panama Canal Commission, Logistical Support Division, APO Miami 34011-5000;

(b) For the forms prescribed at 3553.215 and 3553.236, write to: Panama Canal Commission, Construction Division, APO Miami 34011-5000.

Subpart 3553.2—Prescription of Forms

3553.200 Scope of subpart.

This subpart prescribes Commission forms for use in the acquisition of supplies and services, including construction. The subpart is arranged by subject matter in the same order as, and is keyed to, the parts of the PAR in which the form usage requirements are addressed.

3553.213 Small purchase and other simplified purchase procedures (Forms 1010, 1820, 1821, 1822, 2008, 3083, 3163, 3163-MTD, 7071, 7074).

The following forms are prescribed as stated below for use in small purchases, orders under existing contracts or agreements, and orders from required sources of supplies and services:

(a) *Panama Canal Form No. 1010, Purchase Order.* This form may be used by the Inventory Management Branch in lieu of Optional Forms 347 and 348 for the purposes specified in 3513.505-2(a).

(b) *Panama Canal Form No. 1820, Purchase Order.* This form may be used by the Purchasing and Contract Branch in lieu of Optional Form 347 for the purposes specified in 3513.505-2(b).

(c) *Panama Canal Form No. 1821, Purchase Requisition.* This is a 6-sheet snap-out form. The first, fifth, and sixth sheets are entitled "Purchase Requisition" (the second, third and fourth sheets are explained in following paragraph (d)). The purchase requisition is an internal document that is prescribed for use only by Commission activities to request purchasing action by the Purchasing and Contracts Branch (see 3513.505-70).

(d) *Panama Canal Form No. 1821, Request for Quotation.* This is a 6-sheet snap-out form. The second, third and fourth sheets are entitled "Request for Quotation" (the first, fifth, and sixth sheets are explained in paragraph (c) above). As specified at 3513.107(a)(4)(i), this form may be used by the Purchasing and Contracts Branch in lieu of Standard Form 18 for the solicitation of nonstock items and services.

(e) *Panama Canal Form No. 1822, Request For Quotation Continuation.* As specified at 3513.107(a)(4)(ii), this form may be used with Panama Canal Form No. 1821 when additional space is needed.

(f) *Panama Canal Form No. 2008, This Is A Request For Prices; It Is Not An Order.* As specified at 3513.107(a)(4)(iii), this form may be used by the Inventory Management Branch in lieu of Standard Form 18 for the solicitation of standard stock items.

(g) *Panama Canal Form No. 3083, Purchase Order Continuation.* As specified at 3513.505-2(c), this form may be used with Panama Canal Form No. 1820, in lieu of Optional Form 348, when additional space is needed.

(h) *Panama Canal Form No. 3163, Division Purchase Order.* As specified at 3513.505-2(d), this form may be used by all activities having contracting authority in lieu of Optional Form 347 for the decentralized procurement of supplies and services.

(i) *Panama Canal Form No. 3163–MTD, Division Purchase Order.* As specified at 3513.505–2(e), this form may be used by the Motor Transportation Division and the New Orleans Branch, Logistical Support Division in lieu of Optional Form 347 for purchases of nonstandard stock automotive repair parts that do not exceed dollar amounts established by the General Services Director.

(j) *Panama Canal Commission Form 7071, General Contract Clauses and Provisions, Small Purchases.* As specified at 3513.107(a)(4)(iv), this form shall be forwarded to prospective suppliers together with either Panama Canal Form No. 1821 or Panama Canal Form No. 2008, as applicable.

(k) *Panama Canal Commission Form 7074, Information Sheet.* As specified at 3513.107(a)(4)(iv), this form shall be forwarded to prospective suppliers together with either Panama Canal Form No. 1821 or Panama Canal Form No. 2008, as applicable.

3553.215 Contracting by negotiation (Form 6122).

As specified at 3515.804–6, *Panama Canal Form No. 6122, Cost Breakdown,* may be used by the contracting officer to require contractors to submit information for cost or price analysis in connection with requests for proposals or modifications not exceeding $25,000.

3553.236 Construction and architect-engineer contracts (Form 3062).

As specified at 3536.571, *Panama Canal Form 3062, Submittal Data For Approval,* shall be used by contractors as a transmittal document when data is to be submitted for the contracting officer's approval pursuant to FAR clause 52.236–5 or clause 3552.236–83 of this regulation.

Subpart 3553.3—Illustration of Forms

3553.300 Scope of subpart.

PAR forms are not illustrated in the PAR. Persons wishing to obtain copies of Commission forms prescribed in the PAR may do so in accordance with 3553.107.

Subchapter I—Agency Supplementary Regulations

PART 3570—ACQUISITION OF PANAMANIAN SUPPLIES AND SERVICES

Sec.

Authority: 40 U.S.C. 486(c); Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

3570.000 Scope of part.

This part provides guidance on implementation of Article IX of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977 as it relates to the preferential acquisition of supplies and services obtainable in the Republic of Panama. (The pertinent Article IX language is set forth at 3525.801–74.)

Subpart 3570.1—Panamanian Preference

3570.101 Determination and definitions.

(a) It has been determined by the Administrator of the Panama Canal Commission that the acquisition of supplies and services obtainable in the Republic of Panama is required under the conditions contemplated by Article IX.

(b) For the purposes of this determination, the following words and terms, as used in Article IX and this part 3570, shall have the meanings stated below:

Comparable in quality and price means the supplies or services (1) must conform to the purchase description, specifications, or statement of work that sets forth the Commission's requirements; and (2) can be acquired at a price equal to or lower than the price for similarly conforming supplies or services obtainable from sources outside the Republic of Panama.

Goods means manufactured or unmanufactured articles, materials and supplies.

Obtainable in the Republic of Panama means the supplies or services can be obtained from sources in the Republic of Panama.

Panamanian origin means goods that are grown, mined, or produced in the Republic of Panama; or in the case of goods which consist in whole or in part of materials from another country, have been substantially transformed by processes performed in the Republic of Panama into new and different articles of commerce with a name, character, or use distinct from that of the article or articles from which they were so transformed.

Supplies, pursuant to the definition in FAR 2.101, means "all property except land or interest in land." Accordingly, the term includes construction.

3570.102 Policy.

(a) When supplies or services can be obtained from sources both within and without the Republic of Panama, and the following conditions exist, preference shall be afforded to those sources within Panama to the maximum extent possible:

(1) The supplies or services can be provided at the time they are required;

(2) The supplies or services are comparable in quality and price to those that can be obtained from sources outside Panama; and

(3) The sources in Panama:

(i) Are determined to be responsible prospective contractors pursuant to FAR Subpart 9.1, and

(ii) Can comply in all material respects with the terms and conditions of the acquisition document.

(b) In the comparison of prices with respect to subparagraph (a)(2) of this section, there shall be taken into account the cost of transport to the Republic of Panama, including freight, insurance, and handling. The cost of insurance shall be calculated at one percent (1%) of the value of the supplies, or any supplies incidental to services, in the event the contract does not require insurance.

(c) When choosing between goods from sources within Panama that are otherwise equal, preference shall be given to those goods having a larger percentage of components of Panamanian origin.

(d) When conducting an acquisition of supplies or services for which the estimated cost is not expected to exceed the small purchase limitation in FAR part 13, participation may be limited to sources in Panama unless the contracting officer determines that there is no reasonable expectation of obtaining quotations from two or more such sources that:

(1) Will be responsive to the required delivery time, and

(2) Will be comparable in quality and price to supplies or services from sources outside Panama.

(e)(1) In order to conduct an acquisition of supplies or services above the small purchase limitation and limit participation in the acquisition to sources in Panama, the contracting officer shall:

(i) Prepare and submit a class or an individual determination and findings to the Procurement Executive, and

(ii) Obtain that official's written approval of such determination and findings.

(2) The determination and findings must clearly document that:

(i) An acquisition limited to such sources would result in obtaining supplies or services at the time they are required that would be comparable in quality and price to those obtainable from sources outside Panama, or

(ii) An acquisition from sources outside Panama would be impracticable because of the nature of the acquisition (e.g., a requirements type contract where deliveries must be made within a very short time span by trucks or pipeline from stockpiles or storage facilities located in Panama).

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Federal Register

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March 2, 1990

Part III

Department of Health and Human Services

Public Health Service

42 CFR Part 72

Interstate Shipment of Etiologic Agents; Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 72

RIN 0905-AC89

Interstate Shipment of Etiologic Agents

AGENCY: Centers for Disease Control, Public Health Service, Department of Health and Human Services.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Public Health Service proposes to amend the regulations concerning the interstate shipment of etiologic agents because the requirements for proper packaging and handling of these agents need to be clarified and expanded. Adopting the proposed rule will minimize the risk of exposure to infectious agents incurred by people who handle these packages.

DATES: Comments on the proposed rule must be submitted on or before April 2, 1990.

ADDRESSES: Comments may be mailed to Dr. John W. McVicar, Office of Biosafety, Centers for Disease Control, 1600 Clifton Road, Atlanta, Georgia 30333. Comments received may be inspected at Building 4, Room 232, between 8 a.m. and 4:30 p.m. Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Dr. John McVicar (see address above), telephone (404) 639-3883.

SUPPLEMENTARY INFORMATION: Current regulations prescribe minimum packaging requirements for diagnostic specimens, biological products, and other materials presumed to contain listed etiologic agents that are shipped in interstate traffic. Impetus to revise the regulation has come from several sources. Postal workers and members of Congress have expressed concerns about the risk of exposure to infectious agents incurred by people who may have to handle improperly packaged or damaged packages of biomedical material during transit. Also, persons who ship these materials have stated that some definitions in the current regulation are unclear. Finally, the regulation was last revised in 1980, and the list of etiologic agents that require notification of receipt needs to be updated.

This rule proposes several changes to the existing regulations:

1. A new section (§ 72.1) is added to state the purpose of the regulations.

2. Definitions are added and some are revised. The term "clinical specimen" has been substituted for "diagnostic specimen" because it better reflects the intent to regulate the shipment of all clinical material. The definition of "etiologic agent" has been changed from a "viable microorganism" to a "microbiological agent" or its toxin that causes, or may cause, human disease. The term "etiologic agent preparation" has been added to more clearly define what material will be regulated under § 72.4.

3. The current regulation requires that materials known or presumed to contain etiologic agents, including diagnostic specimens and biological products, be packaged "to withstand leakage of contents." However, minimum packaging requirements are specified only for etiologic agents, not for biological products or diagnostic specimens. The proposed revision includes minimum packaging requirements for biological products that contain etiologic agents, all clinical specimens, and etiologic agent preparations. The level of packaging required will depend on the type of material shipped, and all regulated materials must be packaged so that nothing can leak to the outside if the package is damaged.

In the proposal, biological products containing etiologic agents and all clinical specimens require primary and outer containers. Because all health care workers are encouraged to handle all patients' clinical specimens as though they are infectious, the proposed regulations are intended to apply to all clinical specimens. Packaging standards in the proposal are comparable to those currently employed by prudent shippers of clinical specimens.

4. A requirement is added for labeling and reporting damage of packages containing biological products and clinical specimens. Labels will provide information on how to report damaged or leaking packages to the Centers for Disease Control (CDC) so that package handlers can receive instructions on appropriate decontamination and disposal procedures, if necessary. Information gathered by CDC from such reports will be useful in identifying problems and implementing corrective actions.

The new label for clinical specimens and biological products has the same biohazard symbol as does the label for etiologic agents. However, instead of white and red, this label will be fluorescent orange and black, as recommended by the Occupational Safety and Health Administration's requirements for labeling biological hazards (29 CFR 1910.145). We expect the number of packages carrying the fluorescent orange label for clinical specimens and biological products to be many times the number carrying the red and white label for etiologic agents. We are particularly interested in reviewers' comments on the choice of color for both of these labels and whether or not handlers will be able to easily distinguish between them.

5. The current regulation contains two lists of etiologic agents in § 72.3. The first is a list of agents that must be packaged, labeled, and shipped according to requirements specified. The proposed regulation deletes this list and instead requires that all cultures or suspensions of etiologic agents be packaged, labeled, and shipped according to the regulation. The second list, under § 72.3(f) in the current regulation, includes agents that, in addition to the other requirements in §72.3, must be shipped by a system that requires or provides for notification of receipt. In § 72.5 of the proposal, this list of special etiologic agents is revised as follows:

Additions:
- *Bacillus anthracis*
- *Bartonella*—all species
- *Brucella*—all species
- *Clostridium botulinum*
- *Histoplasma capsulatum var. duboisii*
- *Lymphocytic choriomeningitis virus*
- Monkeypox virus
- *Mycobacterium avium*
- *Mycobacterium bovis*
- *Mycobacterium tuberculosis*
- *Pasteurella multocida type B* ("buffalo" and other foreign virulent strains)

Deletions:
- Whitepox virus

Name changes:
- *Francisella (Pasteurella) tularensis* to *Francisella tularensis*
- Crimean hemorrhagic fever (Congo) to Crimean-Congo hemorrhagic fever
- *Yersinia (Pasteurella) pestis* to *Yersinia pestis*

6. The proposed regulation limits the total volume of etiologic agent preparations shipped in any package to 50 ml. This will minimize the potential hazard if a package were to leak during transit. In addition, according to the Air Transport Association, airlines that account for over 85% of air traffic in the United States do not allow packages of more than 50 ml of etiologic agents to be shipped by passenger aircraft. The proposed regulation, in § 72.4(a)(1)(iv), also cites Department of Transportation minimum performance specifications for outer shipping containers.

7. The proposal requires labels on inner containers of etiologic agent

preparations, which will allow these containers to be identified if they come out of the outer shipping container.

8. The current regulation requires notification of receipt of special etiologic agents by mail and allows 5 days to elapse before the shipper must notify CDC of failure to receive confirmation of delivery. The proposal requires shipment by a method that provides for tracking the package, for example, registered mail, so undelivered packages can be more easily and quickly located. Additionally, the proposed rule requires notification of shipment and receipt by telephone and shortens the time to 3 days by which the shipper must notify CDC of failure to receive confirmation of delivery.

9. The current regulation does not list the penalties to which violators are subject in accordance with section 368(a) of the Public Health Service Act (42 U.S.C. 271(a)); these penalties are added to the proposed rule in § 72.7.

CDC solicits comments on all aspects of the proposed changes. In addition, CDC explicitly requests comments that would:

1. Provide evidence of the number of incidents of improperly packaged or damaged packages;

2. Provide evidence of infections linked to improperly packaged or damaged packages; and

3. Provide cost estimates for conforming to the requirements in the proposed revision.

Cost Analysis

The inclusion of all clinical specimens in this proposed rule and the requirement of a label on all packages of clinical specimens and biological products will add to the cost of shipping these packages. We have estimated this increased cost to determine if the proposal meets the criteria of a "major rule" according to Executive Order 12291. These criteria are that the rule (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Our analysis is tenuous because we cannot accurately assess the current situation. We can only roughly estimate the number of packages shipped and the overall change in packaging cost. However, we do not expect the cost increase to be substantial, for reasons described below.

We estimate that about 50 million packages of clinical specimens are shipped between states each year, based on data from the Association of State and Territorial Public Health Laboratory Directors (ASTPHLD). Because the current regulation does not require a special label for these packages, we are not routinely notified of damaged or leaking packages of clinical specimens. We also cannot accurately survey to estimate what percentage of total shipments would be inadequately packaged under the proposed rule. However, based on the phone calls we have received about damaged packages and on a recent ASTPHLD survey, we estimate that about 5% of clinical specimen shipments would be inadequately packaged and that improving their packaging to meet the requirements of the proposal would cost approximately $1.00 each. Thus the total increase in cost of packaging would be $2.5 million. This cost would be borne by shippers who currently use substandard packaging.

We believe the estimate of 5% of inadequately packaged clinical specimens is high. We assume that shippers are anxious to get their samples to the laboratory in good condition. Therefore, we believe that the vast majority of clinical specimens are currently packaged properly and would comply with the proposed revision.

The proposal requires that all packages of clinical specimens carry a biohazard label. The cost of these labels would be borne by all who ship these packages. We estimate that the labels will cost $0.07 each. Thus, for 50 million packages, the total cost of the new label will be $3.5 million.

Together these two costs add up to $6 million, a figure well below the $100 million standard for determining major rules. We therefore conclude that this proposal is not a major rule.

The Secretary has determined that this proposed rule does not have a significant impact on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under the Regulatory Flexibility Act, Public Law 96–354.

Information Collections

Sections 72.3, 72.4, and 72.5 of this proposed rule contain information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. These requirements are described below:

Title: Notification of damaged or leaking packages; notification of shipment and receipt; notification of failure to receive confirmation of delivery.

Description: Anyone handling damaged or leaking packages of biological products, clinical specimens, or etiologic agent preparations during interstate shipment must notify CDC within 24 hours and provide a description of the condition of the package, the name and address of the shipper, and other pertinent information, so that instructions on appropriate decontamination and disposal procedures can be given. Persons who ship packages containing special etiologic agents must notify the addressee of the date of shipment, and the addressee must confirm receipt by telephone. If the shipper does not receive such confirmation within 3 days, the shipper must contact CDC within 24 hours. Information gathered by CDC from such notifications will be useful in identifying problems and implementing corrective actions.

Description of Respondents: Probable respondents are shippers, carriers, and receivers of such packages.

Estimated Total Annual Reporting Burden:

Section	Annual number of respondents	Average hours per response	Annual burden hours
72.3(b)	4,000	0.05	200
72.4(b)	60	0.05	3
72.5(b)	100	0.025	2.5
72.5(c)	95	0.025	2.375
72.5(d)	5	0.025	0.125
Total	4,260		208

We have submitted a copy of this proposed rule to OMB for review of these information collections. Send comments regarding this burden estimate or any other aspect of this collection of information to the agency official designated for this purpose whose name appears in this preamble and to the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503.

List of subjects in 42 CFR Part 72

Biologics, Hazardous materials transportation, Packaging and containers, Penalties, Public health, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, part 72 or title 42, Code of Federal Regulations, is proposed to be amended as set forth below.

Dated: May 5, 1989.

James O. Mason,

Assistant Secretary for Health.

Dated: November 16, 1989.

Louis W. Sullivan,

Secretary.

Subchapter F—Quarantine, Inspection, Licensing

Part 72 is revised to read as follows:

PART 72—INTERSTATE SHIPMENT OF BIOLOGICAL MATERIAL THAT CONTAINS OR MAY CONTAIN ETIOLOGIC AGENTS[1]

Sec.

Authority: Sec. 215 of Public Health Service (PHS) Act as amended (42 U.S.C. 216); sec. 361, PHS Act as amended (42 U.S.C. 264), sec. 368, PHS Act, as amended (42 U.S.C. 271).

§ 72.1 Purpose.

The purpose of these regulations is to ensure that all biological material that could contain etiologic agents is packaged in a manner for interstate shipment that minimizes the potential for leakage and possible contamination of the environment or exposure of those handling such packages during transit.

§ 72.2 Definitions.

As used in this part:

Absorbent material means material that is capable of absorbing liquids. It may be either particulate or non-particulate, but if particulate, shall not be loose.

Bioloical product means a biological product known or presumed to contain an etiologic agent that is subject to preparation and manufacture in accordance with the provisions of 9 CFR part 102 (Licensed Veterinary Biological Products), 9 CFR part 103 (Biological Products for Experimental Treatment of Animals), 9 CFR part 104 (Imported Biological Products), 21 CFR part 312 (Investigational New Drug Application), or 21 CFR parts 600–680 (Biologics) and that, in accordance with such provisions, may be shipped in interstate traffic.

Clinical specimen means any human or animal material including, but not limited to, excreta, secreta, blood and its components, body fluids, tissue, and tissue fluid.

Coolant material means material such as ice, dry ice, and gel packs that is included in the package to cool the contents.

Etiologic agent means a microbiological agent or its toxin that causes, or may cause, human disease.

Etiologic agent preparation or *preparation* means a culture or suspension of an etiologic agent and includes purified or partially purified spores or toxins that are themselves etiologic agents.

Interstate traffic means the movement of any conveyance or the transportation of persons or property, including any portion of such movement or transportation that is entirely within a State or possession, from a point of origin in any State or possession to a point of destination in any other State or possession or between a point of origin and a point of destination in the same State or possession but through any other State, possession, or contiguous foreign country.

Outer shipping container means the outermost container in which the package is finally shipped.

Primary container means the tube, vial, bottle, ampule, and the like that contains the material being shipped.

Secondary container means the container into which the primary container is placed.

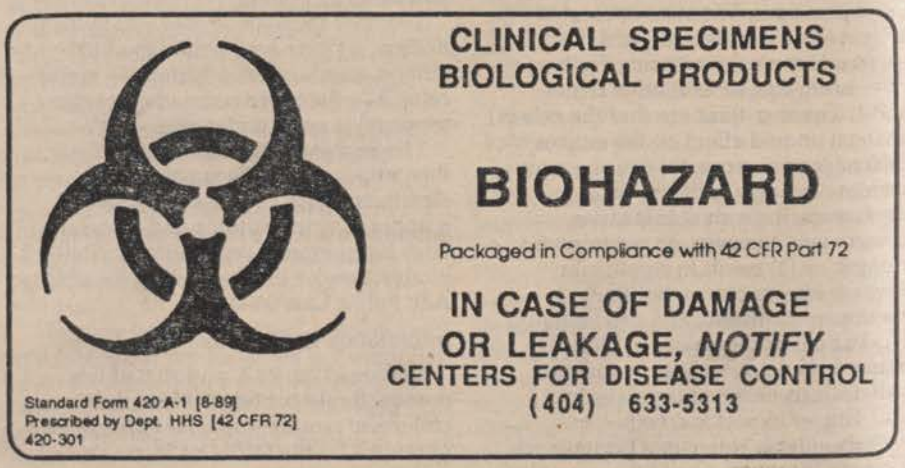
§ 72.3 Transportation of biological products and clinical specimens; minimum packaging requirements.

(a) No person may knowingly transport or cause to be transported in interstate traffic, directly or indirectly, any biological product or clinical specimen unless such material is packaged, labeled, and shipped in accordance with the requirements specified in paragraphs (a)(1) through (a)(3) of this section.

(1) *Packaging.* The primary container(s) shall be packaged in an outer shipping container using shock-resistant material to withstand conditions incident to ordinary handling in transit, including but not limited to shocks and pressure changes, and absorbent or leakproof material so that, if there should be leakage of the primary container(s) during shipment, the contents will not escape from the outer shipping container.

(2) *Coolant material.* Coolant material, if used, shall be packaged in such a way that if it is subject to melting or creation of condensation, the liquid produced does not escape from the outer shipping container. If ice or dry ice is used, shock-absorbent material shall be placed so that any inner container does not become loose inside the outer shipping container as the ice or dry ice melts or sublimates.

(3) *Labeling.* (i) The outer shipping container shall bear a label as illustrated and described below:



[1] The requirements of this part are in addition to and not in lieu of any other packaging or other requirements for the transportation of etiologic agents in interstate traffic prescribed by the Department of Transportation, the United States Postal Service, and other agencies of the Federal Government.

(A) The color of material on which the label is printed shall be flourescent orange or orange-red and the symbol and printing in black.

(B) The lable shall be a rectangle measuring 51 mm (2 inches) high by 102.5 mm (4 inches) long.

(C) The symbol, measuring 35 mm (1.375 inches) in diameter, shall be centered on a flourescent orange or orange-red square measuring 51 mm (2 inches) on each side.

(D) Size of the letters on the label shall be as follows:

Clinical specimens/Biological products—10 pt.
Biohazard—18 pt.
Packaged in compliance with 42 CFR part 72—6 pt.
In case of damage or leakage, notify—10 pt.
Centers for Disease Control—8 pt.
(404) 633–5313—8 pt.

(ii) At least one inner container and he outer shipping container shall bear a label with the name, address, and telephone number of the shipper.

(b) *Damaged or leaking packages.* The carrier, the receiver, or anyone handling packages described in paragraph (a) of this section that are damaged or leaking shall, upon discovery of damage or leakage, isolate the package and, immediately or within 24 hours, notify the Centers for Disease Control by telephone at (404) 633–5313 and provide a description of the condition of the package, the name and address of the shipper, and other pertinent information.

§ 72.4 Transportation of etiologic agent preparations; minimum packaging requirements.

(a) No person may knowingly transport or cause to be transported in interstate traffic, directly or indirectly, etiologic agent preparations unless such material is packaged, labeled, and shipped in accordance with the requirements specified in paragraphs (a)(1) through (a)(3) of this section.

(1) *Packaging.* Such material shall be packaged to withstand conditions incident to ordinary handling in transit including but not limited to shocks and pressure changes, so that if there should be leakage of the primary container(s) during transit, the contents will not escape from the outer shipping container and in particular:

(i) The net contents of any single package of etiologic agent preparation shall not exceed 50 ml.

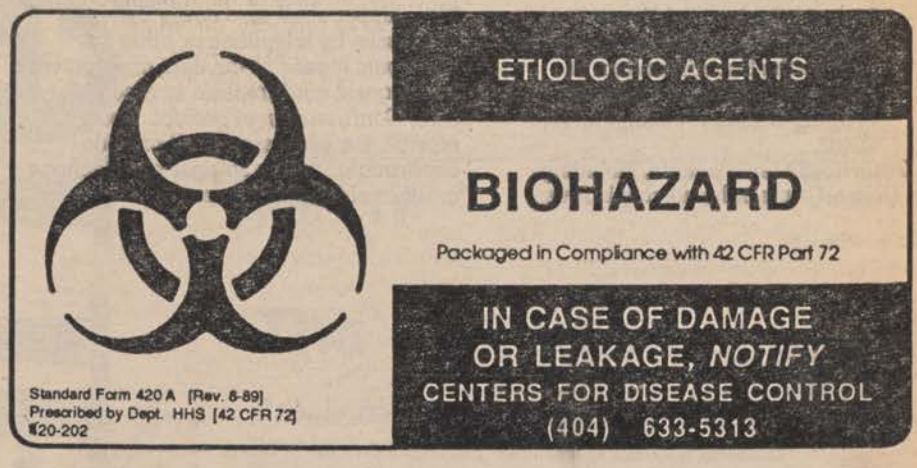
(ii) The material shall be placed in a securely closed, watertight primary container. Stoppers shall be secured by waterproof tape. Screw caps shall be either gasketed or secured by waterproof tape.

(iii) The primary container shall be placed in a durable, watertight secondary container. Several primary containers may be placed in a single secondary container provided there is adequate shock-absorbent material between them to prevent breakage during ordinary handling while in transit and the total net volume does not exceed 50 ml. The space at the top, bottom, and sides between the primary and secondary containers shall contain sufficient absorbent material to absorb the entire contents of the primary container(s) in cae of breakage or leakage.

(iv) Each set of primary and secondary containers shall then be enclosed in an outer shipping container constructed of fiberboard or other material that complies with the standards specified in Department of Transportation regulations at 49 CFR 173.387(b) and, when dry ice is included in the package, at 49 CFR 173.615.

(2) *Coolant material.* All coolant material shall be placed outside of the secondary container. If ice or dry ice is used, shock-absorbent material shall be placed so that the secondary container does not become loose inside that outer shipping container as the ice or dry ice melts or sublimates. If the coolant material is subject to melting or creation of condensation, it shall be packaged in such a way that the liquid produced does not escape from the outer shipping container.

(3) *Labeling.* (i) The secondary container(s) and the outer shipping container shall bear labels as illustrated and described below:



(A) The color of material on which the label is printed shall be white, the symbol red, and the printing in red on white or white on red (rev.).

(B) The label shall be a rectangle measuring 51 mm (2 inches) high by 102.5 mm (4 inches) long.

(C) The red symbol, measuring 35 mm (1.375 inches) in diameter, shall be centered on a white square measuring 51 mm (2 inches) on each side.

(D) Size of the letters on the label shall be as follows:

Etiologic agents—10 pt. rev.
Biohazard—18 pt.
Packaged in compliance with 42 CFR Part 72—6 pt.
In case of damage or leakage, *notify*—10 pt. rev.
Centers for Disease Control—8 pt. rev.
(404) 633–5313—8 pt. rev.

(ii) The secondary container(s) and the outer shipping container shall bear, in addiiton to the label described in paragraph (a)(3)(i), of this section, labels with the name, address, and telephone number of the shipper.

(b) *Damaged or leaking packages.* The carrier, the receiver, or anyone handling packages described in (a) that are damaged or leaking shall, upon discovery of damage or leakage, isolate the package and, immediately or within 24 hours, notify the Centers for Disease Control by telephone at (404) 633–5313 and provide a description of the condition of the package, the name and address of the shipper, and other pertinent information.

§ 72.5 Packaging and method of shipment of special etiologic agents; failure to receive.

(a) The following are considered special etiologic agents:

Bacterial Agents

Bacillus anthracis
Bartonella—all species
Brucella—all species
Clostridium botulinum
Francisella tularensis
Mycobacterium avium
Mycobacterium bovis
Mycobacterium tuberculosis
Pasteurella multocida type B
("buffalo" and other foreign virulent strains)
Pseudomonas mallei
Pseudomonas pseudomallei
Yersinia pestis
Fungal Agents
Coccidioides immitis
Histoplasma capsulatum
Histoplasma capsulatum var. duboisii
Viral, Rickettsial, and Chlamydial Agents
Arboviruses—those assigned to Biosafety Levels 3 or 4 in the most recent edition of the CDC/NIH publication "Biosafety in Microbiological and Biomedical Laboratories" which is offered for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC. 20402.
Hemorrhagic fever agents, including:
Congo-Crimean hemorrhagic fever virus,
Ebola virus,
Junin virus,
Korean hemorrhagic fever virus,
Lassa virus,
Machupo virus,
Marburg virus,
and others as yet undefined.
Herpesvirus simiae
Lymphocytic choriomeningitis virus
Monkeypox virus
Rickettsia—all species except *R. akari*, *R. vinsonii*, and *R. quintana*
Variola major
Variola minor

(b) *Packaging and method of shipment.* All materials that contain or are reasonably believed to contain a special etiologic agent shall be packaged for interstate shipment according to the requirements of § 72.4. Additionally, the shipper shall use a shipping system that tracks the package (e.g., registered mail). The shipper shall also notify the addressee by telephone or other electronic means of the date of shipment and request confirmation or receipt.

(c) *Confirmation of receipt.* Upon receipt, the addressee shall provide confirmation to the shipper by telephone or other electronic means.

(d) *Failure to receive.* When confirmation of receipt or material designated in paragraph (a) of this section is not received by the shipper within 3 days following anticipated delivery of the package, the shipper shall, immediately or within 24 hours, notify the Centers for Disease Control by telephone at (404) 633–5313.

§ 72.6 Requirements; variations.

The Director, Centers for Disease Control, may approve variations from the requirements of this part if, upon review and evaluation, it is found that such variations provide protection at least equivalent to that provided by compliance with the requirements specified in this part and such findings are made a matter of official record.

§ 72.7 Penalties.

Any person who violates any provision of this part shall be subject for each violation to a fine of not more than $1,000 or imprisonment for not more than one year, or both, as provided in § 368 of the Public Health Service Act (42 U.S.C. 271).

[FR Doc. 90–4399 Filed 3–1–90; 8:45 am]
BILLING CODE 4160–18–M

federal register

Friday
March 2, 1990

Part IV

The President

Proclamation 6103—Modifying the Implementation of the Generalized System of Preferences and the Caribbean Basin Economic Recovery Act

Part IV

The President

Federal Register
Vol. 55, No. 42
Friday, March 2, 1990

Presidential Documents

Title 3—

The President

Proclamation 6103 of February 28, 1990

Modifying the Implementation of the Generalized System of Preferences and the Caribbean Basin Economic Recovery Act

By the President of the United States of America

A Proclamation

1. In Proclamation 5779 of March 23, 1988 (53 FR 9850), the President determined that, under section 802(b) of the Trade Act of 1974 (the Act) (19 U.S.C. 2492(b)), as amended by the Anti-Drug Abuse Act of 1986 (Public Law 99–570, 100 Stat. 3207), Panama had not during the previous year cooperated fully with the United States, and had not taken adequate steps on its own, in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in Panama or transported through Panama, from being sold illegally within the jurisdiction of Panama to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States, and in preventing and punishing the laundering in that country of drug-related profits or drug-related monies. Pursuant to section 802(a) of the Act (19 U.S.C. 2492(a)), the President decided to deny until further notice the preferential tariff treatment under the Generalized System of Preferences (GSP) and the Caribbean Basin Economic Recovery Act (CBERA) previously afforded to articles that were eligible for such treatment and that were imported from Panama.

2. I have determined, pursuant to section 802(b)(1) of the Act, that the Government of Panama is taking adequate steps to prevent such drugs and other controlled substances from being sold illegally within its own jurisdiction to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States, and to prevent and punish the laundering in that country of drug-related profits or drug-related monies. Pursuant to section 802(b)(1)(A) of the Act, I have certified this determination to the Congress after considering the factors enumerated in section 802(b)(2) of the Act.

3. Under section 103 of the Urgent Assistance for Democracy in Panama Act of 1990 (Public Law 101–243), the conditions specified in section 802(b)(4)(B) of the Act are deemed to be satisfied with respect to the denial to articles imported from Panama of preferential treatment under the GSP and the CBERA pursuant to Proclamation 5779 of March 23, 1988.

4. Accordingly, under the terms of sections 802(b)(1)(A) and 802(b)(4)(B) of the Act, I have decided to restore the preferential tariff treatment under the GSP and the CBERA to articles that are currently eligible for such treatment and that are imported from Panama.

5. Section 604 of the Act (19 U.S.C. 2483) confers authority upon the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the relevant provisions of that Act, of other acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States of America, including but not limited to sections 604 and 802 of the Act, and section 103 of the Urgent Assistance for Democracy in Panama Act of 1990, do proclaim that:

(1) General note 3(c)(ii)(A) to the HTS is modified by inserting "Panama" in alphabetical sequence in the enumeration of independent countries eligible for benefits under the GSP.

(2) General note 3(c)(v)(A) to the HTS is modified by inserting "Panama" in alphabetical sequence in the enumeration of designated beneficiary countries whose products are eligible for preferential treatment under the CBERA.

(3) This proclamation shall be effective with respect to articles both: (a) imported on or after January 1, 1976, and (b) entered, or withdrawn from warehouse for consumption, on or after the 15th day following the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of February, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.

George Bush

[FR Doc. 90-5065
Filed 3-1-90; 2:29 pm]
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Federal Register

Vol. 55, No. 42

Friday, March 2, 1990

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LIST OF PUBLIC LAWS

Last List February 22, 1990

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S.J. Res. 186/Pub. L. 101-248

Designating the week of March 1 through March 7, 1990, as "National Quarter Horse Week". (Feb. 27, 1990; 104 Stat. 93; 1 page) Price: $1.00

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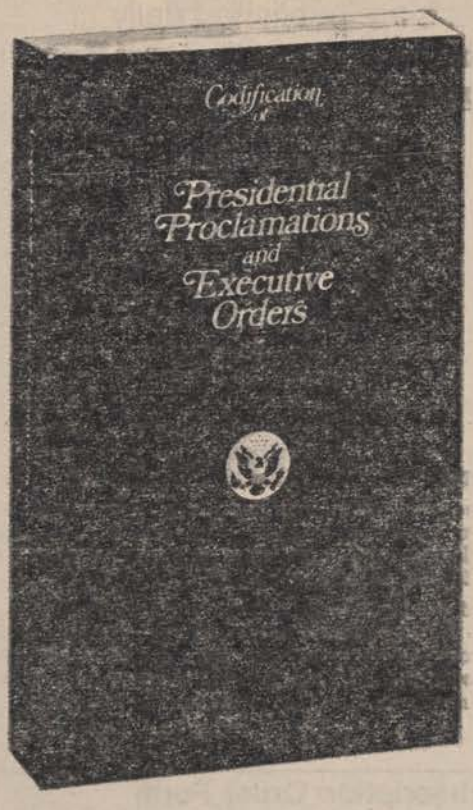

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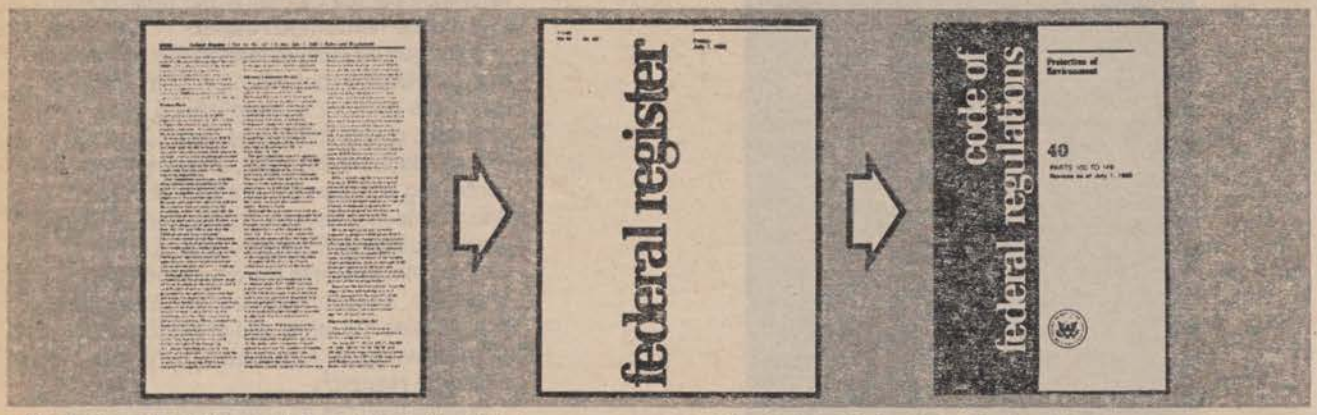

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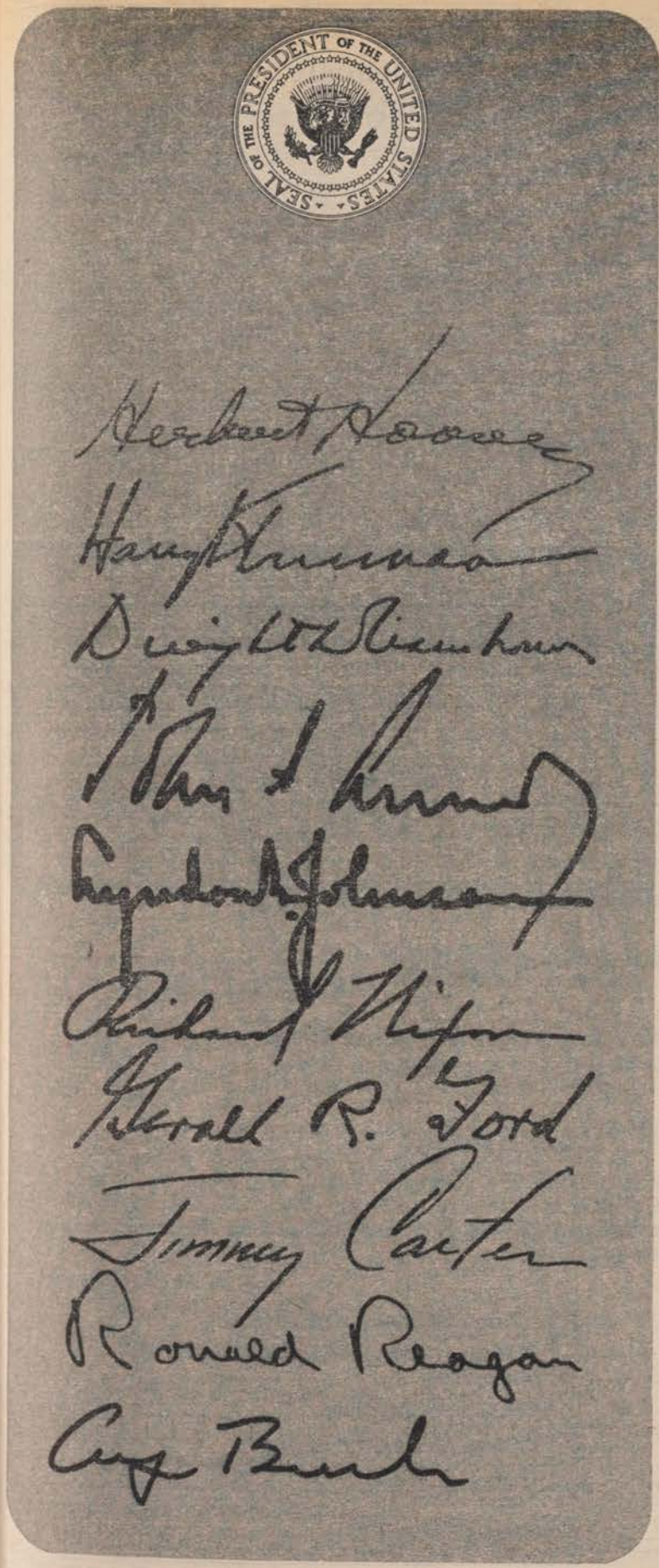

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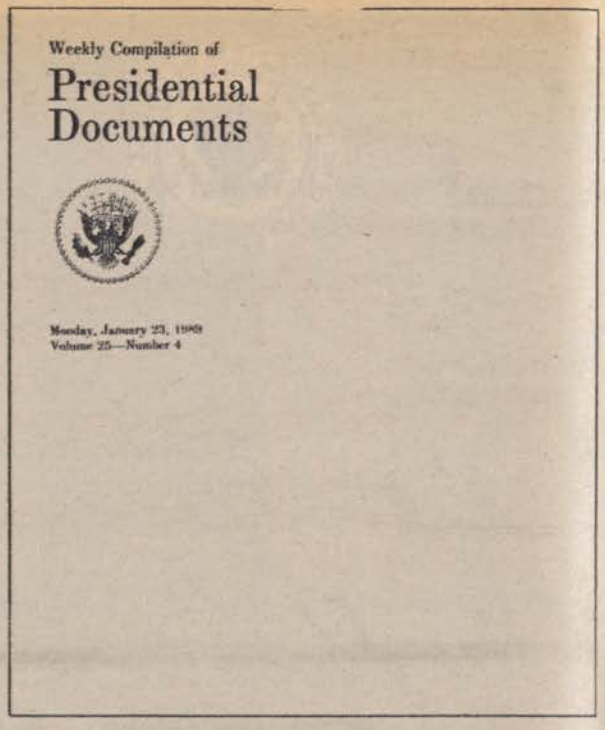

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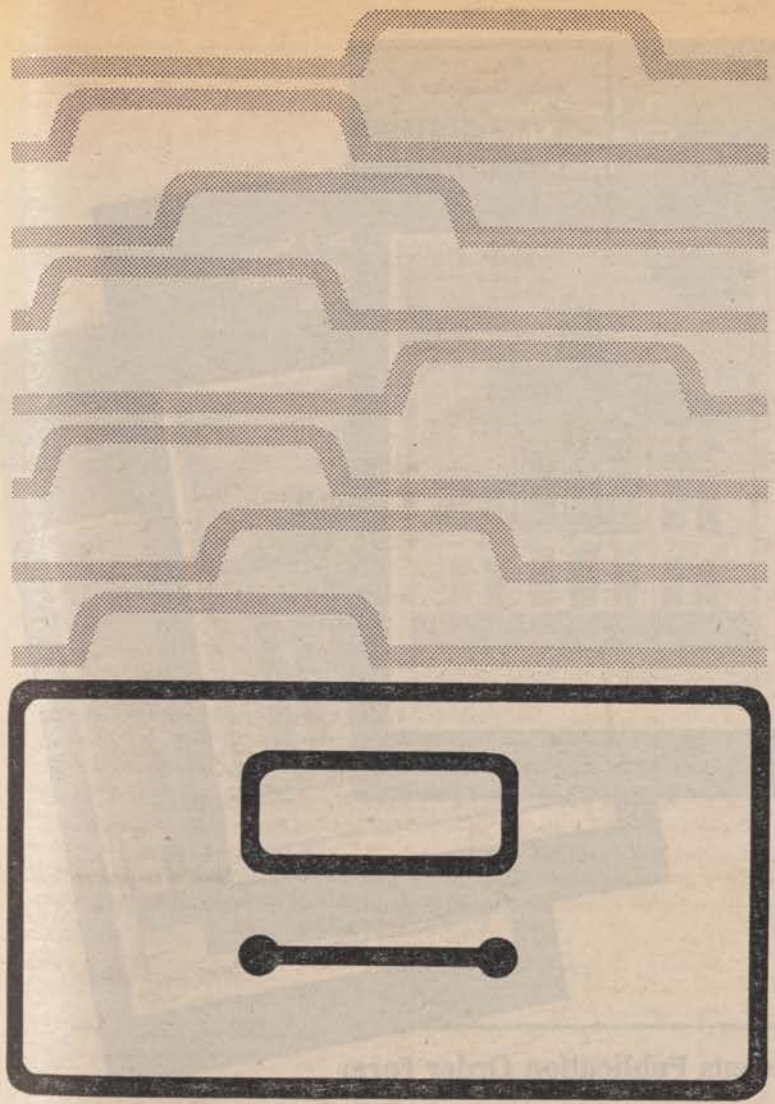

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